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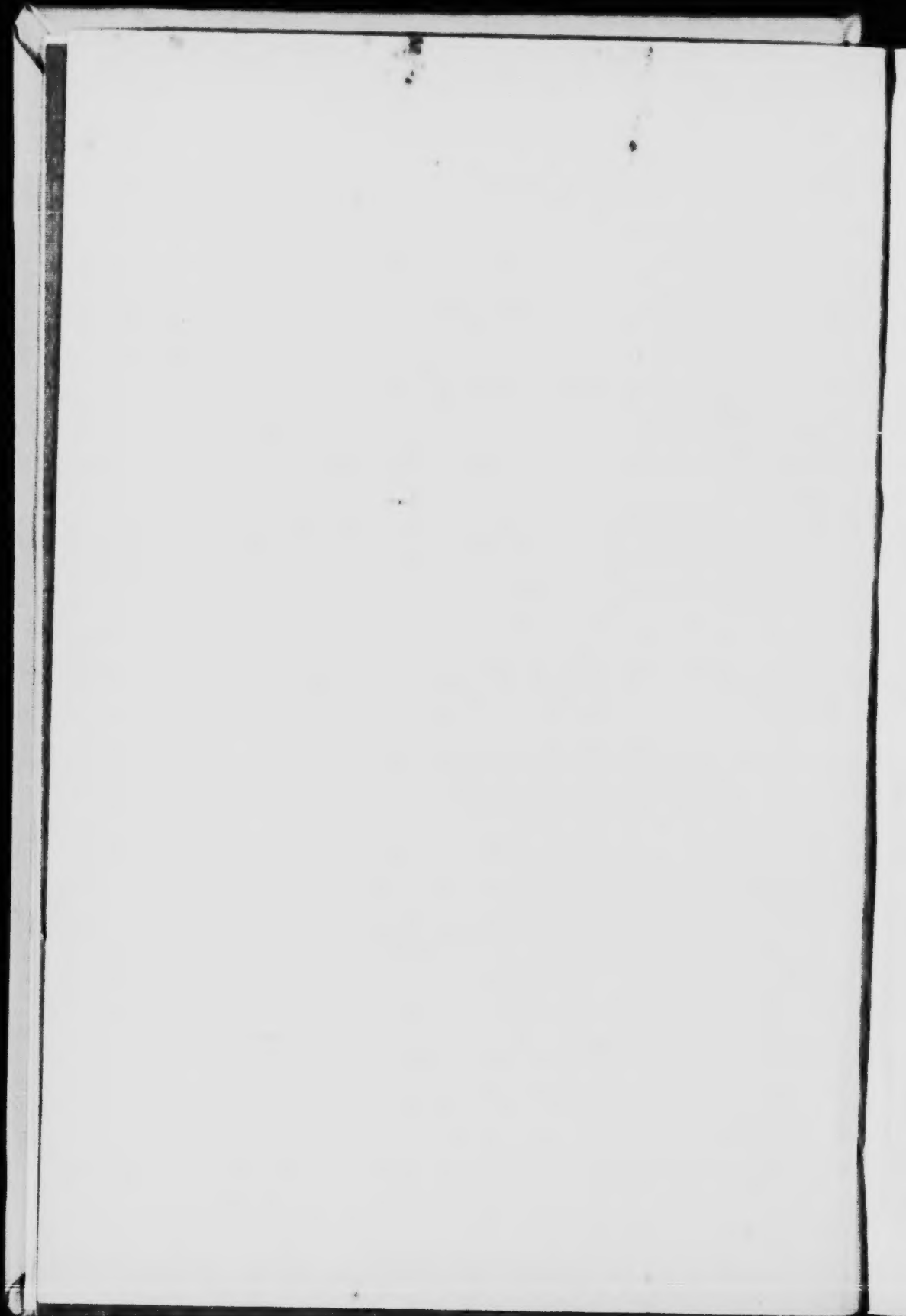
SCOTTISH LAND

RURAL AND
URBAN



THE REPORT OF
THE SCOTTISH
LAND ENQUIRY
COMMITTEE

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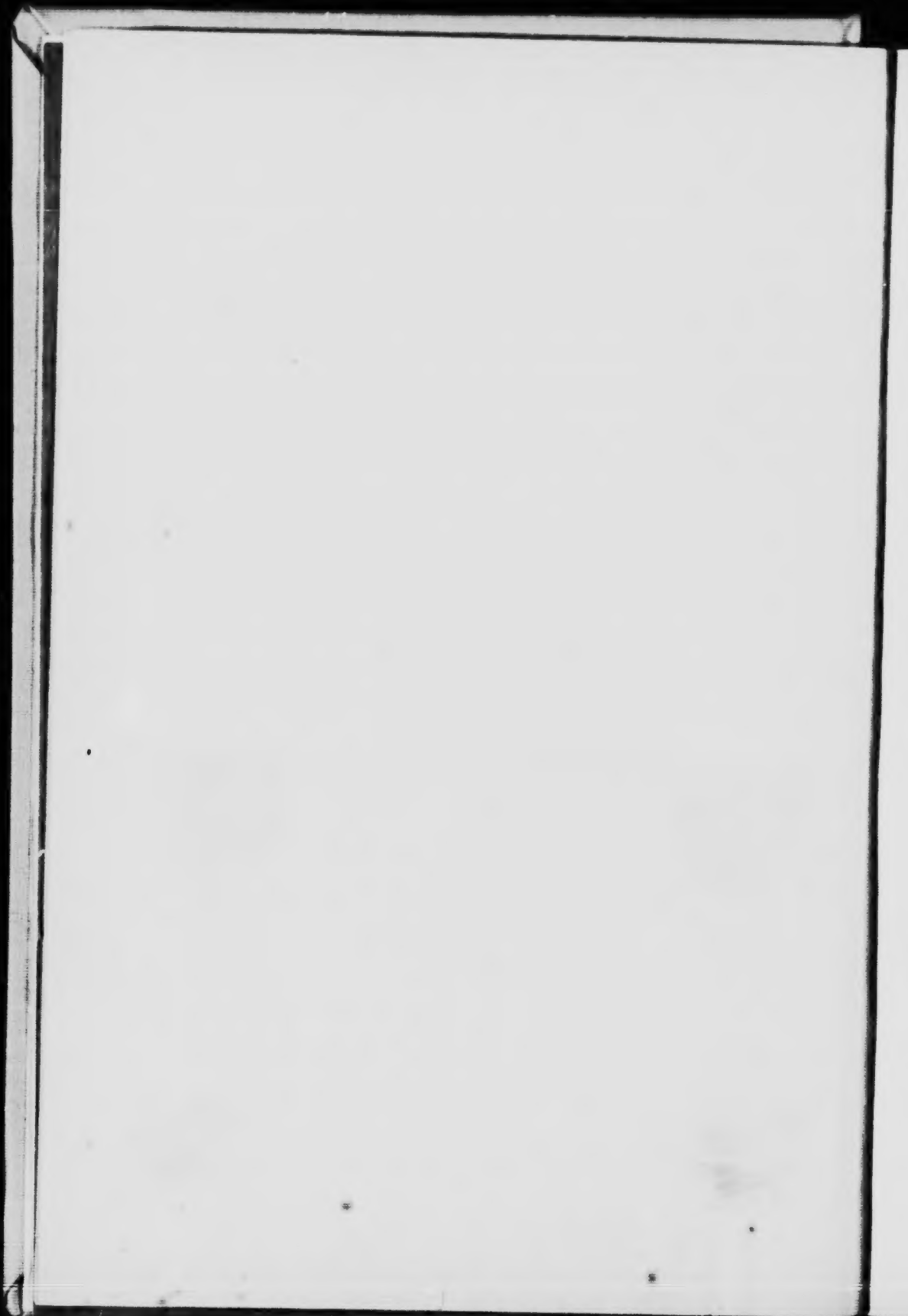
WITH THE COMPLIMENTS OF
THE UNITED COMMITTEE FOR THE TAXATION
OF LAND VALUES.

BROAD SANCTUARY CHAMBERS,
11, TOTHILL STREET,
WESTMINSTER,

LONDON, S.W.

RECEIVED **AUG 24 1914**

ANSWERED _____



SCOTTISH LAND

THE REPORT OF
THE SCOTTISH LAND ENQUIRY
COMMITTEE

HODDER AND STOUGHTON

LONDON NEW YORK TORONTO

1914

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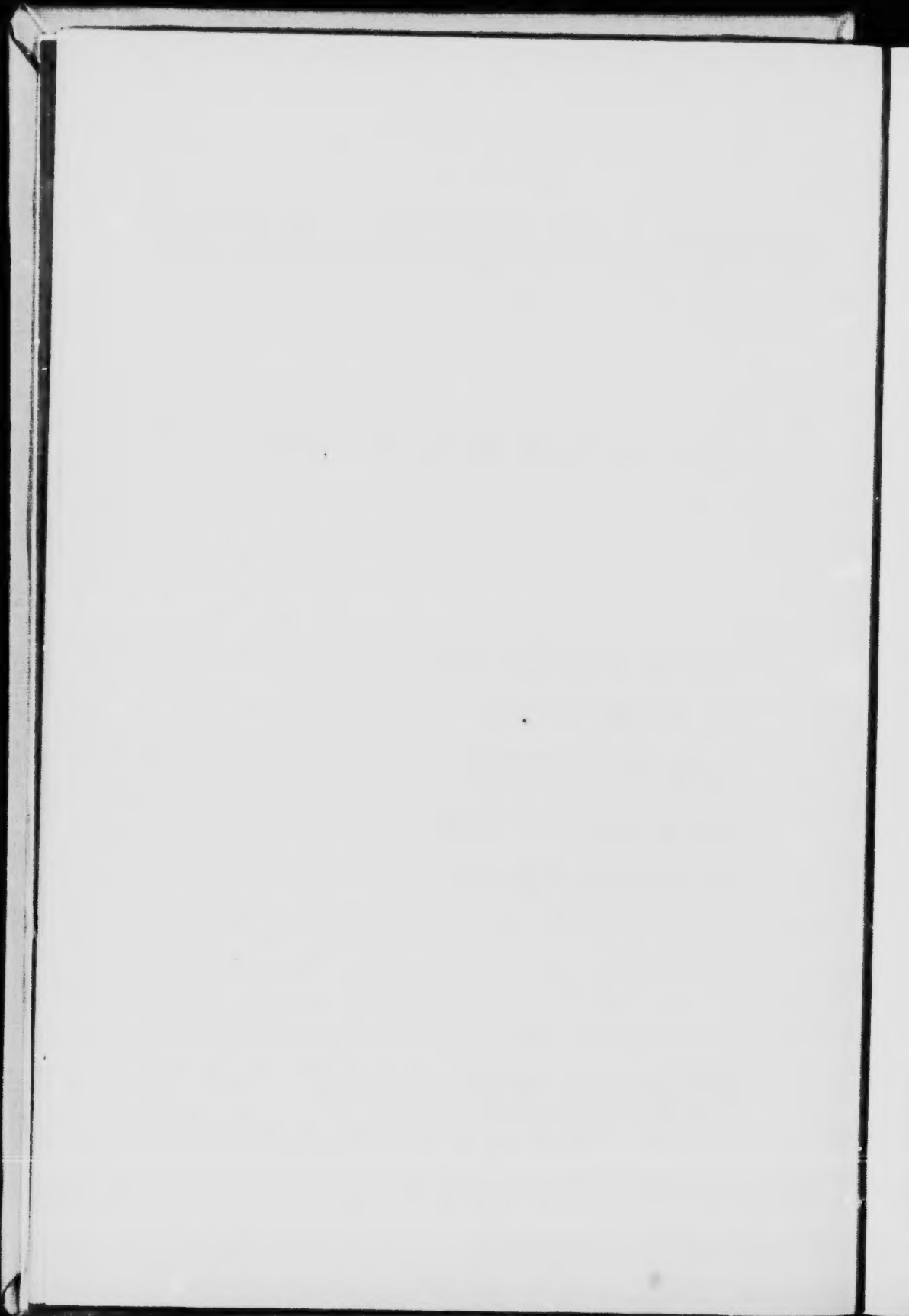
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INTRODUCTION.

This volume is produced as a result of an enquiry made during the years 1912 and 1913 by a small Committee appointed by the Chancellor of the Exchequer. The object of the enquiry was to obtain "an accurate and impartial account of the social and economic conditions in the rural parts of Great Britain" and of "the nature and working of the existing systems of ownership, tenancy, and taxation and rating of land and buildings in urban districts and the surrounding neighbourhoods and their effect on industry and the conditions of life."

Separate volumes have been issued, or are about to appear, regarding England and Wales. The present volume deals with conditions in Scotland alone.

We have made use of the official documents available to the public, in so far as they concerned subjects which we were investigating, and we have also made investigations at first hand.

Regarding the official publications there will also be the reports of the Royal Commission on Housing, which we understand will be issued this year.

By the issue of lists of questions, special inquiries and otherwise we have obtained a vast amount of information relating to the land system of Scotland. Men of every class, irrespective of political parties, have put at our disposal the benefits of their information and their experience and in making acknowledgment we can assure them that apart altogether from the great assistance which they have rendered, we have been keenly appreciative of their great kindness and consideration. In this connection also a feature of much interest was the large amount of evidence we obtained from men who are seldom able to appear before Royal Commissions or other official bodies.

The information received has been given careful and prolonged consideration and no effort has been spared to deal fairly and accurately with it.

In presenting the results of our inquiries we have made a considerable effort to be short and lucid, and much attention has been given to the excision of all matter which could reasonably be omitted. No one can be more conscious than we are of the great range of the subjects treated of and that innumerable volumes might be devoted to a statement of the facts and a discussion of the theories arising on them ; but believing that what are the essential facts can be stated shortly and succinctly we have endeavoured to do so and have tried also to omit involved academic discussions of a more or less theoretic nature. Considerations of space have had to be adhered to throughout in order to keep the book within a reasonable size.

In the first part of the Report we deal with rural questions and in the second part with urban questions. Though we started with the intention merely of investigating the facts as to existing conditions, it became clear as time progressed that the investigation led to certain remedies and that the Report would be incomplete if we did not indicate shortly the principal remedies which seemed necessary to meet the defects which were indicated by the evidence. For this reason, accordingly, we have given our views on the principal reforms required.

For convenience of reference we have collected together at the end of our report the principal reforms we think necessary.

During the course of our inquiry, among other considerations, we have always kept these two in view :

- (1) Existing general economic conditions directly conducing to under production.

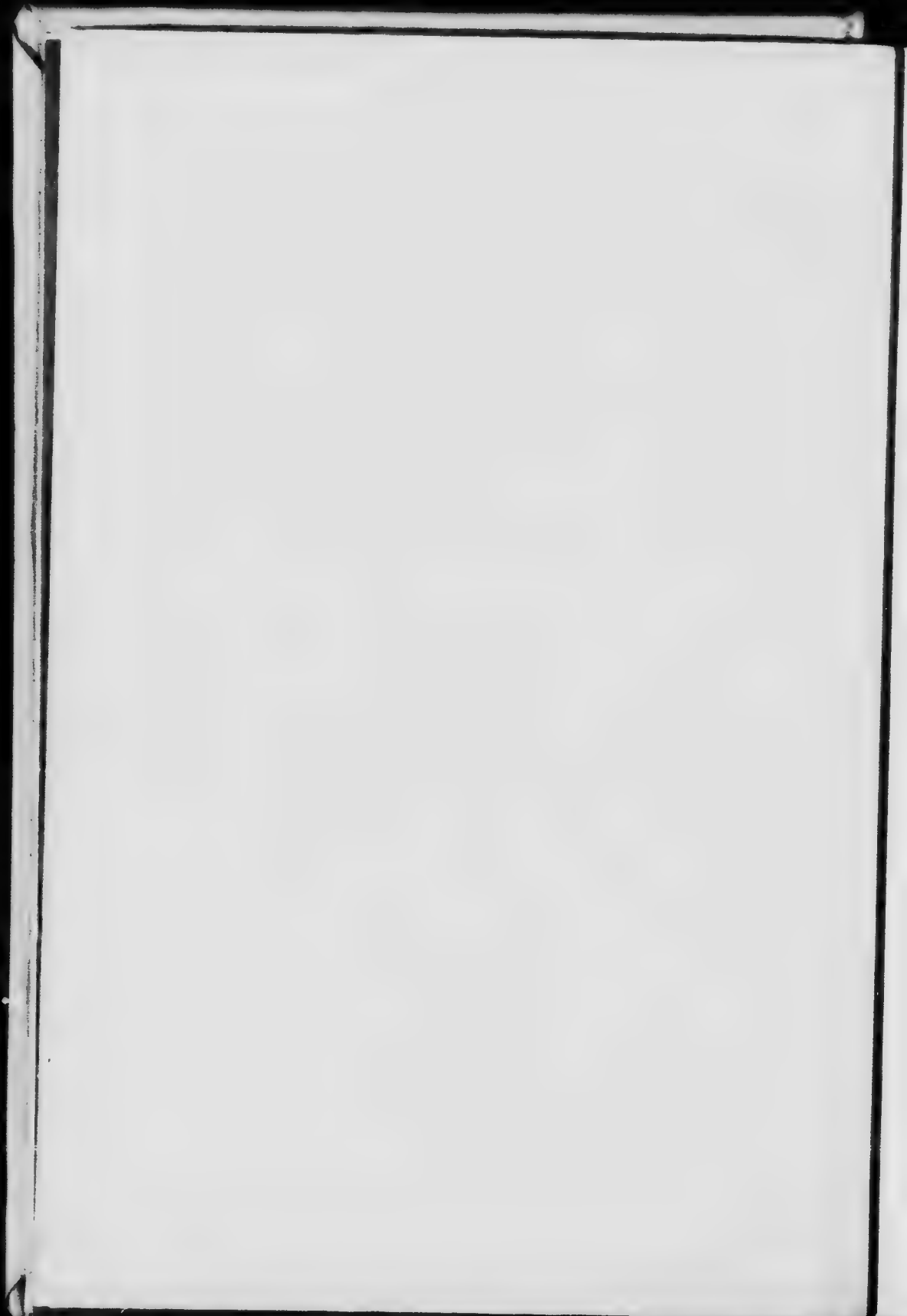
- (2) Defects in the existing legal system which are injustices in themselves as well as being directly conducive to under development and under production.

In dealing with these we have of necessity to mention cases in the nature of defects, but in doing so we make no mention of individuals, nor do we criticise their actions as individuals.

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Within the limits of the existing conditions, the normal landlord is a good landlord; but that in no way diminishes the reality of the point that the present system of land tenure has defects nor does it in any way diminish the loss to the nation which results from the continuance unaltered of these defective provisions. With the removal of these and the opening of the land to freer opportunities of utilisation, we are convinced that not only would causes of injustice be removed but a great impetus would also be given to the development of the nation's resources and the growth of its industries.



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GENERAL SUMMARY.

RURAL.

The depopulation of the rural districts has been proceeding at an alarming rate ; and, in many parishes, the population is now smaller than at any preceding census. A great part of this is due to the emigration of agricultural workers.

Accompanying this rural depopulation is a striking decay of the countryside ; much land has gone out of cultivation, and the improvements made upon it in the past are steadily disappearing ; buildings and other structural improvements have fallen into decay ; and drainage and reclamation of the land have been neglected.

The seriousness of this loss of agricultural population and deterioration of land cannot be exaggerated.

Great areas, also, which might be much better utilised for agriculture and pastoral purposes are at present indifferently utilised for sport.

Though general economic tendencies have had an influence, the main cause of the great rural depopulation is the inability to get access to land and the absence of a ladder of progression providing the prospect of an improving career on the land. This is aggravated in the case of the farm servants by acute dissatisfaction with their conditions of housing, etc., and on the part of sons of farmers by a sense of the precariousness of the tenure of farms, and the lack of security for capital and labour sunk by the tenant in the land.

On the other hand, powerful contributing causes making for the non-development of the countryside are the proprietor's inability to equip the land, and often the desire to hold it for social or sporting purposes. If a rural estate is to be used for normal agricultural production, a

large expenditure is necessary for its proper equipment and maintenance; and in too many cases, where the landowner is unable or unwilling to incur this necessary expenditure, and the tenants owing to insecurity are prevented from doing so, the result is that all reasonable and proper development of the land is rendered impossible. It is quite unreasonable and altogether opposed to the national interest that bankrupt or selfish landlords should be able to veto rural development.

One marked result of the proprietor's failure to equip the land for agricultural use is shown in the prevalence of "led" farms (see page 31), with the resulting decay of farm buildings, and the amalgamation of holdings. It is little short of a tragedy to discover in some districts a large unsatisfied demand for farms and holdings from an extremely capable agricultural population, who, if they had access to the soil, could maintain the buildings and other equipment, and make a much more intensive use of the land.

The principal disabilities of the ordinary tenant farmer are the liability to confiscation of his improvements, the arbitrary increase of his rent (possibly as a result of his own improvements), and arbitrary eviction. It is often forgotten that tenants during leases are frequently practically compelled to make improvements owing to the inability or refusal of the proprietor to equip the land. The Agricultural Holdings Acts offer no sufficient security, and, in many cases, the result is the under-development of the land. Continuous good farming is discouraged. The point is not that every tenant actually experiences this unjust treatment, but that it is possible and does happen under the present system.

The Ground Game Act fails entirely to give the farmer adequate protection against loss and damage by game; and, apart altogether from the question of injustice to individual farmers, the preservation of game conduces largely to under-development of agricultural and pastoral land. It is also highly detrimental to afforestation.

In the most extreme case of game preservation—the deer forest—enormous areas are kept desolate of inhabitants and

of industry, in order to secure the complete solitude which is most favourable to this form of sport.

Generally, throughout the country, there is a large unsatisfied demand for farms and holdings from capable and experienced men; and, at the same time, a very striking under-utilisation and under-development of the land for agricultural and other productive purposes.

One of the things which has conduced to the excellence of farming in various localities of Scotland is the predominance of the tenant system with a diversity of farms and holdings, whereby it is more easy for a man of enterprise and character to progress from smaller to larger farms than if he were tied to one holding by a system of ownership.

The earnings of farm servants are (on the whole) greater in Scotland than in any other portion of the United Kingdom. The splendid qualities and independence of spirit of the Scottish farm servants are everywhere recognised, and they are the most highly valued of all emigrants to the Colonies. They are a class which no country can afford to lose, and improved conditions and prospects must be secured in order to retain them for their native country. It is essential that their conditions of employment be improved and that it be made possible to obtain land for them in Scotland. The active development of a smallholdings policy, by providing an alternative employment and the prospect of a career on the land to the poor man of character and energy would not only retain a larger rural population, but would also be a means of securing to farm servants better conditions in their present employment.

The Small Landholders Act of 1911 is a step in this direction, and embodies the principles on which further development should proceed. A great deal has been achieved under the Act. 25,000 smallholders have gained security of tenure, and some 700 are either getting new holdings or extensions of existing holdings. This is in marked contrast to the Small Holdings Act of 1892, under which twenty-five smallholdings were created.

A great deal of dissatisfaction exists, however, that more

has not been done under the Small Landholders Act, and the demand for further and more rapid action is very strong. It is essential that its working should be extended, simplified and speeded up so that the enormous unsatisfied demand for smallholdings may be met, and a larger rural population settled on the land.

The principles of the Small Landholders Act are generally accepted, and criticism is directed rather to its detail; the principal matter of dispute centring in the question of the compensation to be paid to a landowner when new holdings or extensions of existing holdings are made.

The whole case for the special provision of money out of the taxes to assist in the creation of smallholdings rather than for other industries is the paramount importance of increasing the number of smallholders, and the economic development of the land. This purpose is defeated in proportion as the money so provided is diverted for expensive litigation or extravagant claims of compensation which have no equitable justification.

In fairness to the taxpayer it is essential that these claims should be kept as low as possible, consistent with equity.

Even in the oldest days, it was not suggested that landowners were entitled to compensation when the State considered it necessary to interfere with the relations of landlord and tenant so as to bring about a fairer and more equitable system of land tenure, and precedents going back many hundreds of years can be quoted. The trend of legislation has continuously modified the relations of landlord and tenant without compensating the landlord for the loss of unfair privileges and advantages sustained in the process.

From the many precedents, a few of recent years may be quoted. Under the Crofters Act of 1886, security of tenure and the right to have fair rents fixed was given to large numbers of tenants without any compensation being paid to the landlord, although this legislation involved not only a very large reduction in the rents of small-holdings but also the cancellation of a large amount of arrears of rents. Under the Ground Game Acts, the landowners lost valuable sporting rights and

received no equivalent compensation. The case is similar and stronger in regard to the rights which the landlords lost under the Agricultural Holdings Acts. Under the Housing and Town Planning Act of 1909, [Section 59 (2)] a landowner does not receive compensation in respect of provisions in a town planning scheme prescribing the space about buildings or limiting the number of buildings to be erected on an area, etc., although in fact, these provisions may mean a large reduction in the rental and capital value which he can obtain in respect of the area in question. In the Town Tenants (Ireland) Act, 1906, which applies to the town tenants some of the main provisions of the Agricultural Holdings Acts, compensation is not paid to the landlords in respect of loss resulting to them from taking away their right to expropriate tenants' improvements and goodwill; not is it proposed to pay compensation as regards the loss of similar privileges in the case of town tenants in Great Britain.

These precedents and many others illustrate clearly the general principle that the State has always exercised the right of interfering with the relations between landlord and tenant in the public interest, in order to secure a more just and equitable system of land tenure, without compensating the landlords for loss resulting from depriving them of what was undoubtedly an unfair advantage which they previously enjoyed.

In regard to this question of compensation, we are of opinion that any depreciation of a landed estate due to the restriction of the right of domination by a landowner over the lives of his tenants or of the right to confiscate the tenant's improvements at the end of a lease resulting from the granting of security of tenure to the tenants involves the withdrawal of a privilege for which no reasonable person would expect compensation. These are rights which no reasonable landlord desired to exercise, and in respect of the loss of which no reasonable landlord would desire compensation.

There is one other case in which we think compensation should not be paid. It is in respect of any loss of sporting

value where land is taken for a productive economic use. As is shown at length in the Report sporting values have been created largely by the deliberate destruction of agriculture and agricultural values, and in pursuance of an anti-social policy. The principle we proceed on here is that agriculture and the maintenance of a resident rural population is the best and most productive use to which rural land can be put and that the sporting interest, especially in the case of the deer forest, is a most wasteful and uneconomic use, and is not properly a competing legitimate use where the land can in fact be better utilised for agricultural purposes.

It is never to be forgotten that, throughout large areas of Scotland, deer forest and other sporting interests attain an importance infinitely greater than in any other part of the United Kingdom; and that they are often preserved in a manner which is destructive of the economic activities of the resident population and rural industries. No objection is taken to sport where it does not conflict with the economic development of the land for agricultural or pastoral purposes. Over large areas of Scotland, however, the interests of sport are paramount; to the destruction of the economic development of the rural areas, the driving of the resident population from the land, and the annihilation of some of the best of the nation's resources.

Closely allied to the question of withholding land for sport which is suitable for agriculture, afforestation or pastoral purposes, is the refusal of access to the land for residential purposes, even for such necessary utilities as inns, and doctors' houses. The reason for the prohibition is nearly always the same, the desire to preserve a large area for the exclusive pleasure of the owner.

In a large number of cases in rural districts, both on farms and in the villages, the existing houses are very defective both as regards the size, number and construction of rooms, and their state of repair and freedom from damp. In addition, there is a general shortage of cottage accommodation. It should be noted in this connection that, as in so many rural districts houses are built only to the

order of the persons who intend to occupy them, there is often practically no margin to provide for an increase of population. Housing accommodation for the workers on farms is generally part of the equipment of the farm, and in too many cases the cottage accommodation for the married farm servant is very bad, while the accommodation for the unmarried farm servant is often worse; and these bad housing conditions have had considerable influence in inducing farm servants to emigrate. The absence of cottage accommodation acts also in restraint of marriage.

Local authorities generally are aware of the worst of the housing deficiencies of their localities, but are everywhere unwilling to enforce closing orders because of the absence of alternative accommodation for the population who would be dishoused; and even in crowded districts where there is sufficient, permanent, general demand to make it tolerably certain that houses built by the local authorities would be let at economic rents, the local authorities refrain, as a rule, from vigorous action, restrained by the fear that the rates might be burdened or private building prejudicially affected. It is a general desire that, in the effort to secure better housing, private enterprise should not be frightened out of the field.

It is clear that great areas of the country are under-developed in the sense that land is being allowed to go back to waste for lack of the application of labour and capital; that a great deal could be done to improve stock and land already in cultivation; and that next to nothing is being done in one of the greatest of rural industries—the reclamation of the land. This criticism is based not on any theoretical standards but on the practical basis of what is reasonable of achievement on normal economic and business lines.

In this connection a very striking fact of world-wide importance has a special interest. Throughout the world the demand for agricultural produce is increasing more rapidly than the supply; prices of agricultural produce are rising and the working classes in all the great industrial nations are adopting more expensive standards of food consumption and

especially of meat. This increasing demand appears to have in it considerable elements of stability as a vast working-class population, having once attained to an improved standard of food consumption, does not willingly surrender it and go back to a lower one.

However, we are doing practically nothing as a nation to increase the supply of food needed to meet the rapidly increasing demand. The cultivated area of the United Kingdom has declined by one million acres between 1900 and 1913; the total number of sheep in the country has fallen by nearly three and a half millions (from 31 millions in 1900 to 27·6 millions in 1913) the number of pigs has declined from 3·6 millions in 1900 to 3·3 millions in 1913, and the total number of cattle has only increased from 11·5 millions in 1900 to 11·9 millions in 1913.

And all the time the world's demands for food supplies have greatly increased. This is shown strikingly in the increase in the prices in 1913 over those of 1900:

19·5 per cent. in the case of bread.

23·4	"	"	"	oatmeal.
32·3	"	"	"	bacon.
26·7	"	"	"	imported beef.
8·9	"	"	"	British beef.
13·8	"	"	"	butter.
17·3	"	"	"	cheese.

As these increased prices of food necessitate larger money wages they are a prominent cause of labour unrest.

It is therefore of the first importance in the national interest to stop the process of decay in our rural economy by making provision for bringing semi-derelict and waste land into productive use and for retaining within our borders the extremely valuable rural workers who are being driven unwillingly from our shores.

Regarded as a problem of production the basic fault of the existing system is the failure to apply to our land the labour and capital essential for its development. Artificial restrictions in our present system render this application of labour and capital extremely difficult by imposing obstacles to access to

land for productive purposes and by affording no security for the capital and labour invested in the land by any persons other than the owners. It is essential to notice that the assumption underlying our present land system is that the landlord supplies all the necessary capital for the equipment and development of the land and that the only justification of the landlord's monopoly power is that this duty is performed.

It is precisely on the ground that this duty is in no reasonable sense performed that a re-adjustment of the land system is necessary. As it is admittedly beyond the power of one class—the landowners—to finance and equip rural development, and as the present system allows them to prevent other people doing it, the continuance of the present system unaltered is certain to continue unchecked the process of rural decay and rural depopulation. If it is held that this latter result is desirable and that the nation has no interest in securing a rational and reasonable rural development, then there is no case for change. But if, on the contrary, it is accepted that the duty of the nation is to preserve its rural population and develop its rural areas, a substantial alteration is inevitable. The very least that can be secured is that, where landowners are unable or unwilling to equip and develop the rural areas, this personal inability or unwillingness shall not be upheld as an absolute bar to all development, but that other people willing and able to do the work shall be allowed the opportunity of doing it. Further, the fact that the landlord fails to do this necessary work of equipment is no reason why he should be in a position to expropriate the results of the expenditure of labour and capital by the man who does. And lastly, in a great number of cases no one can apply the needed capital so effectively, so cheaply and so profitably as the actual cultivator of the soil. In so far, also, as the existing system of tenure does not encourage the tenants to take advantage of their special opportunities in this respect, it deprives the land of the richest stream of capital which is available for its development. In Chapter VII, for example, it is shown how much the small landholders in the Highlands,

under security of tenure, have increased the capital brought to the soil.

The first essential therefore is to remove this artificial barrier to development and to allow access to the land—whether for the development of industry, water power, building, afforestation, or agriculture—to those who will carry out the work which the landlord is unable or unwilling to perform.

The second essential is that the landowner must not be permitted to benefit from the results of his own neglect by expropriating the property of those who carry out this work of development. The persons who are willing to undertake the work and the risks of development must be legally secured in what is their own.

The third essential is that rural development should be assisted by the application of improved methods, including organisation and transit. In the case of smallholdings, in particular, improved credit facilities are necessary; and the ready adoption of the results of investigation and experiment in matters of stock, seeds, manures, methods of cultivation, etc., opens to the farmers prospects that are interesting in themselves and of commercial advantage. The benefits of improved agricultural education, methods and processes are not to be measured solely by the improved financial results, though these are considerable. They bring the interests of a science to what is too frequently regarded as a manual occupation.

URBAN,

In contrast to the depopulation of rural Scotland the outstanding feature of the towns is the massing of a great population on a very narrow area and this is accentuated by the excessive overcrowding. As many as 47·6 per cent. of the population of the burghs with over 2,000 inhabitants are living more than two in a room; 22·7 per cent. more than three in a room, and 8·6 per cent. more than four in a room. Of the total number of houses in the same burghs, 56·8 per cent. are of one or two rooms, and 14·4 per cent. of one room. In the same burghs, 52·9 of the total population are

living in houses of one or two rooms; and the percentage living in one-room houses is 9.7.

These are facts of very grave significance.

The normal house of the city worker is the two-or three-room tenement dwelling containing a kitchen, a bed-sitting room, and, where there is a third room, a smaller bedroom. Generally the rooms are large, and provided with a bed-recess. There is usually through ventilation, a good water supply, and a good (though sometimes insufficient) system of sanitation.

A main characteristic of this system of housing is the large number of people who can be accommodated on a small area, and the absence of open spaces. Life under such closely crowded conditions, where many families share common services such as washhouses, and drying-greens, makes the noisy or careless tenant a source of extreme discomfort to his neighbours, especially in the slums. The system is particularly disadvantageous for children, who have so little opportunity to play in the open air.

With its undoubted advantages of providing cheap, compact, clean, substantial, stone dwellings, near to the industries in which their occupants are engaged, the tenement system, as it has developed, has the defect of making immediate access to open spaces difficult to large portions of the urban population. There would be many advantages, especially for the children, if the system of cottage houses with gardens was more developed, or, where the price of land renders this difficult, if it was obligatory for more open spaces to be attached to the tenements. With the recent improvement of transit some part of the previous difficulty of spreading the population over a larger area has been removed.

Overcrowding is very prevalent in the towns. It is little short of scandalous that as large a proportion as nearly one-half of the population should be living more than two persons per room, and still more serious that over a fifth of the population is living more than three persons per room. Even if access to open spaces were easy, this would be a serious matter from the social point of view, and it is still more grave where the houses are so densely crowded together as they generally are.

In addition to all this, in the larger towns especially here are very unhealthy slum areas where normal conditions of a wholesome life are extremely difficult if not impossible; and in these districts, in addition to overcrowding, the houses are often in a bad state of repair.

Where the population is most densely crowded the sickness, death and infantile mortality rates are very high; these rates showing a variation corresponding to the density of the population. Striking examples are given in Chapter XXIX. Other causes beside housing contribute to these results; the problem of poverty being very complex. The supply of other necessities as well as house accommodation is, of course, involved in this question of poverty. On the other hand it is demonstrated by experience that a result of clearing slum areas is to diminish death and sickness rates generally. (See Section V. of Chapter XXIX).

Summarised shortly, the principal defects in existing housing conditions are:

(1) The congested situation of buildings; the absence of open spaces, and the existence of "back lands," i.e., tenements of houses erected on what may originally have been back courts, greens, or gardens which are now not only obstructive to other inhabited buildings, but are themselves largely deprived of sunlight and fresh air.

(2) Inherent defects in the structure, such as rooms incapable of proper ventilation and deprived of sunlight; dark and ill-ventilated common stairs and lobbies; and lack of provision to prevent dampness.

(3) The bad state of repair and the filthy condition of individual dwelling-houses.

(4) The overcrowding of individual dwelling-houses.

What is not at all generally realised is that the existing law provides extensive remedies for dealing with the defects. For example, local authorities have the power (subject to appeal) to close any house which the medical officer certifies as unfit for human habitation. There is an obligation also on the owner to see that the house is not overcrowded, and if overcrowding be persisted in the owner can eject the

tenant, otherwise he himself becomes liable for the offence. Overcrowding is accordingly an owner's offence, and in cases of repeated overcrowding there is power to close a house.

If the conditions regarding the suitability of a house for human habitation are not complied with, the Local Authority has power to compel the owner to make such repairs as are necessary ; or, failing that, to have the offending house closed.

These provisions against the owner in regard to overcrowding and also as to habitability have not been exercised to as great an extent as they might have been by Local Authorities. The owner is frequently not very ready to move in the matter. He may regard the cost of the necessary repairs as high, and be very unwilling to incur this cost or in the case of overcrowding, he may presume on the reluctance of the local authority to make a closing order, and on the reluctance of the court to enforce it, on appeal, if, in fact, the closing order is made by the local authority. There is an inducement to the owner also to evade his legal obligations in the matter as by doing so he may obtain a higher return. Where overcrowding prevails, higher returns can sometimes be obtained in respect of admittedly defective property. Overcrowding should be made unprofitable to owners and occupiers by strict enforcement of penalties. The result of not strictly enforcing the powers available in regard to overcrowded and defective houses is to give slum properties an inflated value.

Local Authorities are required also by statute to have a survey made of their district from time to time, with a view to ascertain whether any dwelling-houses therein are in a state so dangerous to health as to be unfit for human habitation ; and the Local Authority may proceed thereafter to make a closing order as explained above. If the house is not put into repair the Local Authority may make an order for its demolition, and if this order is not complied with, the Local Authority may remove the building at the expense of the owner.

If the Local Authority neglects its duty in regard to this inspection, and the issue of closing orders, an appeal may be made under the provisions of the Housing and Town Planning

Act, 1909, by four inhabitant householders, and the Local Government Board may compel the Local Authority to take action. This right of appeal applies generally in the case of failure by Local Authorities to carry out their duties in regard to housing.

As regards buildings not in themselves unfit for habitation, but so situated as to render others unfit, it is the duty of the Medical Officer to report to the Local Authority, and the Local Authority may thereafter acquire the land and building, and destroy the latter; compensation being paid to the owner.

Where these provisions for dealing with individual houses by way of closure and demolition are not adequate on account of the extent of the area concerned, the Local Authority may proceed to deal with the whole area by way of a scheme of reconstruction or improvement. The method to be followed in carrying out such scheme depends, to a certain extent, on the size of the area concerned. In addition to these powers under the public Acts, the large cities have local Acts giving them similar powers.

Another important provision is that of the Act of 1909, giving the Local Authorities power to prepare town planning schemes controlling the development of new building areas.

Part III. of the 1890 Act as amended by the subsequent Acts gives the Local Authority power to borrow money for the purpose of buying land and building houses, and power to let the houses to working-class tenants. This power is supplemented also by local Acts in the case of some cities.

It is clear accordingly that the existing powers possessed by Local Authorities are very extensive, and criticism is directed not so much against their scope as against the small extent to which they are used.

The principal reasons why comparatively little use is made of these powers are :

(1) Administrative difficulties. An appeal against a closing order lies to the sheriff, and it is the experience of local officials that, although the Medical Officer of Health and the Local Authority may be satisfied that a

property is unfit for inhabitation, the Court often shows a reluctance to support them.

(2) The absence of alternative accommodation.

(3) The reluctance to burden the rates. Improvement schemes on a considerable scale mean, as a rule, an addition to the rates; especially having regard to the high costs of acquisition and compensation. Within recent years local rates have increased considerably from other causes, and the unwillingness to add further to them becomes increasingly strong.

Of the many causes which contribute to the continuance of bad housing conditions, the following are some of the more important:

(1) The poverty of large numbers of the city populations. In many cases people of even extremely small means struggle bravely and successfully to maintain decent houses in districts which are not slums; while many others with better monetary resources do not escape the slums. But taking average cases there is no doubt that a large number of inhabitants of the smallest houses in the most overcrowded areas are there because of their poverty. They earn very small wages (and frequently their working time is very broken).

(2) The recent considerable increase in cost of construction, due to increase in the price of materials and increase in wages.

(3) The high cost of land, which operates in two ways, viz.: (a) in the past it has led to every available space being built upon, thus giving rise to the present problem of congested areas; and (b) it makes it very difficult to build a better type of house with a smaller number of dwellings per acre for the poorer labouring classes in areas near their work at rents within their reach.

(4) The burden of the rates. Whether their incidence be on the houseowner or on the tenant the rates tend to accentuate the housing problem by diminishing the profit of the builder and owner, or by diminishing the amount of housing accommodation that the tenant can obtain for a given sum of money.

(5) The prevalence of a low standard in housing. We cannot indicate the point better than by recalling the fact that London artisans who went to the Clyde in connection with the removal there of shipbuilding and other industries complained bitterly of the smaller accommodation of the houses available on the banks of the Clyde for artisans earning such wages as they earned—the type of house willingly occupied by the native workers earning similar wages.

(6) The frequent failure on the part of houseowners to appreciate the responsibilities of ownership of small houses—letting houses which are no longer suitable for that purpose, and failing frequently to provide by a caretaker or otherwise for the protection of the well-doing tenants from the neglect and misbehaviour of the wilfully neglectful and ill-behaved.

(7) The excessive deliberateness of local authorities in using their powers of closing unhealthy dwellings amounts sometimes to an active dereliction of duty. On the other hand, the judicial authorities are frequently even more disinclined to allow action to be taken. Both the local authorities and the judicial authorities are confronted, in this respect, with the difficulties of housing the displaced population elsewhere if the dwellings in question are compulsorily closed.

(8) The lack of powers on the part of local authorities to make regulations regarding the interior of houses.

(9) The habits, especially drunkenness, uncleanness, and destructiveness on the part of a small number of the worst of the tenants; and their low standard of comfort.

A very prominent feature in many towns and districts is the marked scarcity of houses; there has been marked depression in the property market, and a severe check has been imposed on building operations. The difficulties arising from scarcity of houses are acute, and are leading to the over-crowding of people who are financially able and willing to pay an economic rent, but cannot obtain houses for themselves because the houses are not in existence.

A large amount of evidence is available that a great deal of dissatisfaction with existing housing conditions exists and that a considerable portion of the population would occupy better houses if it were possible to obtain them.

A striking fact in the largest towns is that side by side with overcrowding and complaints of shortage of dwellings there is a large number of empty houses. In Glasgow, for example, at Whitsunday, 1913, there were 16,000 empty houses and 180,000 occupied houses. Comment is made that with so large a percentage of empty houses as this there can be no overcrowding due to lack of housing accommodation, but the Medical Officer of Health has estimated that there are 10,000 uninhabitable houses in Glasgow, and the Convener of the City Improvement Trust states that over 10,000 are on the verge of being uninhabitable. These latter are most relevant facts when the number of empty houses is considered. Houses become obsolete, out of fashion and uninhabitable, and many are unoccupied for these reasons. It is perhaps a fault that our houses are built on such expensive lines that the permanent structure of them may out-live its usefulness, as change of habit and altered ideas of desirability render old houses much less acceptable.

In very many cases the conditions under which miners live are very bad. This is especially the case in regard to the old "rows," where the houses were built before the operation of the Public Health (Scotland) Act, 1897, and the trouble arises mainly in regard to issuing closing orders in respect of such cottages and in re-housing the people who live in them. In many cases there is now a real desire on the part of mine owners to secure good housing accommodation for their workers, as has been shown at Kellerbank (Kirkcubbin) and at Valleyfield, Fife.

The whole trend of modern tendencies as shown in an insistence on better urban amenities, improved sanitation, and more costly fittings, is against the supply of the older type of cheap house: but at the same time it should be fully realised that a higher standard of housing implies and necessitates increased wages for the class for whom the rent

of such old houses represents as much as they can afford to pay. These factors tend to increase the cost of construction ; as do also the larger money wages which have to be paid to workmen engaged in building and the increased cost of the materials used in buildings. Money also has been dearer, and this has had an influence in the same direction.

The local rates have been increasing and this makes a considerable increase in the cost of housing accommodation and consequently diminishes still further the profitableness of supplying houses for the poorer class. As shown in Section IV. of Chapter XXX., the burden of the rates, as incident on a normal house of two apartments in the largest towns is almost 30 per cent. of the total annual cost to the tenant.

In the total rent paid by a tenant in a block of working class dwellings the portion representing the cost of land is sometimes small and for this reason it is stated often that the cost of land has no effect on the housing question. Where the relation of cost of land to the housing question is most directly apparent is when land is being feued. If the feuing rates are high it is not possible to develop the land in cottage and garden properties, and the erection of blocks of tenements becomes a practical necessity. As there is a large existing demand for the cheap accommodation of tenement property the result in very many cases is that it is neither practicable nor possible to develop the land in any other way than in tenement blocks. In order to secure the feu duty as effectively as possible there is also an inducement on the superior to secure the erection on the land of as valuable a block of buildings as possible. It is at present entirely within the power of the superior to withhold unbuilt-on land from use until some builder will offer him the feuing rate which he, the superior, insists on ; and where this rate is one which necessitates a large block of tenements the value of the land is not only secured by the high figure but the value of neighbouring unbuilt-on land is also increased towards that figure.

The principal remedies for the shortcomings in regard to housing are (1) to set up, if possible, healthy general

economic conditions which will tend to a normal supply of housing accommodation where necessary similar to the supply of other commodities ; and (2) to direct reasonably the actual operation of these general economic conditions by town planning schemes and by a more careful control of amenities so that the buildings in the towns in the future will have more space about them and be less liable to degenerate into overcrowded areas and unhealthy slums. The awakening of a keener public interest to desire a better type of house, not so much the tenement type, is also desirable ; or in the alternative, the securing by compulsory provision of larger open spaces in connection with the tenements.

As regards the minor measures it is essential to push forward clearance and improvement schemes and to enforce closing orders and secondly to promote housing schemes by semi-public bodies enjoying such advantages as substantial loans at reasonable rates of interest from public sources, and failing this by the local authorities.

The main difficulties met in carrying out these remedies are :

(a) The disproportionate expense of acquiring and clearing congested areas under the present compulsory provisions ;

(b) The difficulty of housing the displaced people when closing orders are enforced or clearance schemes carried through.

(c) Interference with private industry.

(d) The increased cost of building, the cost of land and burden of local rates, etc.

Some of these difficulties are artificial and can be altered directly by legislation ; for example, the disproportionate expense of acquiring land and paying compensation for clearance schemes can be remedied directly by law. Similarly the burden of the local rates can be made not immediately incident on housing accommodation. Land can be made more easily accessible for building.

The ultimate remedy undoubtedly is to endeavour to secure the provision of the necessary houses under ordinary

normal economic forces similar to the provision of other commodities and the removal of these artificial obstacles is the first of the minor remedies. Various proposals made in the course of this Report provide for the removal of the minor difficulties.

It is not desired, in an endeavour to achieve improved housing, to discourage private enterprise. The special importance of this at the moment is that practically all over the country there is a need for more buildings, and to frighten private enterprise from undertaking the work is to damage a principal source from which the improved housing should come. On the other hand, in the last resort the local authority cannot shirk its obligations if the people within its area are inadequately housed. Any rash or precipitous action by the local authority in entering on building schemes or letting houses at lower than economic rents may obviously cause considerable interference with the building industry and frighten private enterprise from taking further action. A compromise that offers some advantages is that where the necessity for more housing exists and private builders are unwilling or unable to meet it a *via media* might be found by the local authority or the State securing that the provision of the necessary housing will be undertaken by a semi-public organisation or other body which will comply with the requirements of the local authority as regards the public welfare, and at the same time conduct its operations on an economic basis.

It is clear that more houses must be provided if closing orders are to be more generally enforced, and it is clear that if progress is to be made, these closing orders must be more generally enforced, and accordingly the provision of more houses is an urgent necessity. The duty of seeing that this is done rests on the local authority, and if they cannot get it done by private industry in their areas they will have to do it themselves.

Excellent results may be achieved by the application of the town planning provisions of the Act of 1909, and the outstanding defect is that the adoption of town planning schemes

is not compulsory. It is clear also that in rebuilding a congested or cleared area sufficient regard is not always paid to securing a reduction in the number of houses per acre and otherwise securing the full benefits of town planning offered by the opportunity of rebuilding.

This involves the whole question of the full and adequate preservation of the amenity of towns which is peculiarly a concern of the local authority and for the preservation of which the local authority has not at present sufficient powers. The ideal scheme is that the whole town, having been completely surveyed as to its existing housing conditions, should be developed (when portions of it have to be rebuilt) with special regard to the preservation of the amenity of the whole. This would require a greater control of the type, etc., of buildings to be erected in certain areas, and the compulsory extension of the town planning provisions throughout the towns should be sufficient to provide the basis for this.

Great advantages are already being obtained as regards improved housing through the extension of transit facilities, and the further extension of these facilities would make it more possible for the artisan to obtain what is often regarded as the ideal housing conditions for a working man with a family, a cottage with a garden attached to it.

A rigid insistence on by-laws drawn primarily with reference to tenement dwellings on stereotyped lines of streets is not desirable in the case of dwellings spread out more under town planning schemes, and the question of modifying these by-laws to suit the different types of town planning schemes is a matter to which expert attention should be given; the object in view being, while relaxing nothing that is essential to the public health, to endeavour in every reasonable way to make the requirements of the by-laws conduce to less expense in the making of roads and houses.

Acquisition by Public and Semi-Public Bodies.

The State, Local Authorities and semi-public bodies pay prices for land very much in excess of the prices paid in respect

of similar land by private individuals. The principal reasons for this are the necessities of the community. Land must be obtained for light-houses, naval bases, water-works, public improvements, schools, etc., and in very many cases there is practically only one site which suits the necessities of the case. In regard to such a site, the seller is in the position of having a monopoly, and advantage is frequently taken of the necessity of the community to secure a price very much higher than could be obtained from any other purchaser. There is also a certain legal bias in favour of the seller. The purchaser necessarily appears somewhat of an aggressor in the sense that very frequently the persons owning the land in question have not offered it for sale and do not particularly want to sell it. Examples of this bias are afforded by the elaborate amounts awarded in cases of compulsory acquisition of land by way of compensation claims and excessive expenses connected with all the steps which have to be taken in such cases. The results of this are very serious. Necessary public works are not undertaken because of the excessive cost of carrying them through and also because of the general appreciation, on the part of local authorities especially, that under the circumstances the seller would make too good a bargain out of it. Many street widenings and other essential public improvements are not carried out for this reason.

Where in fact the works are carried out, the ratepayers too frequently are saddled with excessive and unjust charges in respect of these high compensation claims and expenses, which have of necessity to be met out of public rates in the case of local authorities, and out of railway rates, harbour dues, etc., in the case of semi-public bodies.

The expensiveness and cumbersomeness of obtaining compulsory powers for the acquisition of land by a Bill or Provisional Order undoubtedly deter many useful works and improvements from being carried out. The promoters may be involved in very onerous and expensive litigation and while, of course, promoters of such schemes should not have power to infringe the reasonable rights of other parties, yet there is no doubt that the opposition is often unreasonable,

and the promoters may agree voluntarily to terms imposed by land-owners, even though they know them to be excessive, rather than face the expensive process of arbitration under the Lands Clauses Act.

The expenses incurred in arbitrations under the Lands Clauses Act are generally very large and out of all proportion to the amounts at stake, and these have as a rule to be borne entirely by the public body promoting the scheme. In addition, arbiters are generally in the habit of assessing compensation, not on the intrinsic merits of the case under consideration, but with regard to the compensation awards made in similar cases. In addition, after the value of the property has been ascertained, it is customary to add an allowance of 10 per cent. to the value in the case of urban property and 50 per cent. in the case of agricultural property. Arbiters also frequently make too generous allowance for prospective values, etc.

Very high charges also are often made in respect of wayleaves. Here, again, the necessity of the service gives the land-owner what is often practically a monopoly position to exact his own terms.

Urban Tenure.

The predominant tenure in the urban districts is the feu.

The deed constituting a feu (either a feu charter or feu disposition granted by the superior in favour of the vassal, or more generally a feu contract to which the superior and vassal are both parties) contains, as a rule, among other provisions :

(1) An obligation upon the vassal to pay a fixed feu-duty;

(2) In general an obligation to pay a double feu-duty every nineteenth year (or so) for that year only; and

(3) Stipulations for the erection and maintenance of buildings of a certain value and type of construction; restrictions as to the use to which they may be put and for the prevention of nuisances.

The benefits of this system from the point of view of the

man who uses the land are obvious. He holds from the superior in perpetuity and consequently there is no reversion of his interests to the ground landlord, so long as the feuar fulfils the conditions of the feu charter. He benefits also by not having to pay a large capital sum as he would have to do in purchasing freehold.

On the other hand, the very fact that the grant is in perpetuity sometimes tempts the landlord to retain the land from building (*i.e.*, to hold it up) in the hope of getting ultimately the highest possible price. Once he has feued it off, he will not participate in increased profit from future development, whereas the grantor of a lease is under a certain inducement to let the land more readily in the first instance, as he knows that he can always revise his terms on the renewal of the lease. Accordingly the exaction of high feuing rates on the outskirts of towns is a prominent feature, and is an influence in encouraging the erection of blocks of tenements for the double purpose of securing the feu duties to the superior and also spreading the charge over as many payers as possible.

Restrictions are inserted in feu charters restricting the use which the feuar may make of the land, but as a rule leaving the superior free to vary or break the restrictions as he pleases; and this leads to injustice, especially in a developing area where feuars have erected buildings with reference to a general building plan which the superior subsequently varies to the detriment of the feuars. It is unreasonable that the fixing of these restrictions as to the use of land should be left to the arbitrary discretion of one individual. In other cases, especially with regard to old feus where the character of the district has altered (*e.g.*, owing to the growth of towns, areas which were formerly residential become more suitable for business purposes), the former restrictions have of necessity to be varied or broken. Where litigation on these questions results at present the procedure is often costly and cumbersome; and in many cases where litigation does not ensue there is a good deal of uncertainty and grumbling. It is very desirable that an impartial tribunal, easy of access and inexpensive in its procedure, should be available for the ready

determination of these questions on equitable considerations, doing justice both to superior and to feuar.

In the case of a great many feus created prior to the Conveyancing (Scotland) Act, 1874, the superior can, on the occasion of the death of his feuar or on the transference to a new feuar, exact payment of a "casualty," being a year's feu duty when the new vassal is the heir of the old one, and a year's net rent when the new vassal is a stranger. These payments being often of large amount, and coming at uncertain times are considered a serious hardship.

The Conveyancing (Scotland) Act of 1874, abolished these casualties as regards feus created after its passing, but it has now become a general practice for superiors to stipulate for payment (in addition to the annual feu duty) of a sum (a year's feu duty or double of a year's feu duty) at definite periods, generally the nineteenth, twenty-first or twenty-fifth year. These payments are known as duplicands. It is a general practice also to stipulate in contracts of ground annual for payment of duplicands.

The payment of these duplicands, coming as they do at long intervals, are also felt to be an unnecessary hardship, and the proposal of the Feudal Casualties Bill, presented by the former Lord Advocate, now Lord Strathclyde, providing means for the redemption of casualties and duplicands in the case of existing feus, and prohibiting the stipulation for such duplicands in future feus and contracts of ground annual, should be passed into law.

Where a feu duty attaches to a considerable area, and it is desirable to sub-divide the ground for other purposes (such as general building purposes), a hardship exists in that the feu duty attaches to every portion of the land. There seems no reason why an apportionment or allocation of the feu duty in respect of the different areas of the land should not be made.

A good deal of trouble has arisen in mining districts from the subsidence of the land on which buildings have been erected. In feuing the land in these districts a condition imposed by the superior generally is that he not only reserves

the right to work the minerals, but also reserves the right to lower the surface of the ground ; while at the same time the feuar is bound by the same feu contract to maintain the buildings in all time coming. The superior is thus freed from all obligation to maintain the ground sufficiently stable to support the buildings, while at the same time the feuar is bound to re-erect the buildings as often as they fall.

These provisions have operated as a serious deterrent to building and development in the areas affected, and have long been an acute local grievance. Local Authorities have also been hampered in the execution of necessary public works. In addition, pipes and sewers have been damaged through the mining subsidence and the public health endangered.

It would clearly be unfair to require the landowner to leave the minerals unworked in respect of considerable areas on the plea that subsidence of buildings might occur at some future date, as the mineral wealth may be very considerable ; on the other hand, buildings must be erected within areas where mining operations have been conducted, as it is necessary for the economic development of the localities concerned that a large population should reside there.

On the whole, however, the one-sidedness of the present bargain between superior and feuar is so obvious and so unfair that provision should be made to vary it equitably in cases where damage arises through subsidence. The landowner is the person who benefits directly both through the working of the minerals and the feuing of the land ; and, in cases of subsidence and damage to property, it is only fair that, failing agreement between feuar and superior, the Land Commissioners should adjudicate equitably between them. In future feus a stipulation that the superior shall not be liable for surface damage caused by the mineral working should also be made illegal.

In some localities building leases of short duration (99 years and under) exist ; but they are not common in commercial and industrial centres. In some rural villages, also, it has been the custom to erect dwelling houses on land without any

written title, which legally imports a lease from year to year only. In the case especially of these very short leases or of those of nineteen, thirty or ninety-nine years' duration where the lessee makes considerable improvements and erects buildings, it is felt to be a great injustice that at the end of the lease the whole of this added value passes to the superior and that on the renewal of the lease the tenant has either to make a capital payment or submit to an increase of rent or possibly both. There is a general desire that such leases should be converted into feus and where the lessee and the lessor fail to agree as to the feuing rate, etc., there should be an appeal for its settlement by an impartial authority.

In addition to the conditions inserted in feu contracts as to the use to be made of the land and the buildings to be erected upon it, the most prominent arbitrary feature imposed by the superior is the rate at which the land is feued. In very many cases the superior is able practically to dictate his own rate.

Feu duties (that is, the right to exact the payment stipulated for in the Feu Charter) are sold frequently to other parties who purchase them as a continuing security of a particularly safe kind: and they have been purchased largely by religious and educational trusts of a continuing character.

In the case of business premises held by the occupier on short leases of three, five or seven years, it is customary for the owner of the building to make structural and other alterations necessary for its occupation by the tenant. Unless the lease is over a longer period it is unusual for the tenant to make structural alterations at his own expense. Cases of injustice arise, however, mainly through the arbitrary and unreasonable refusal to renew leases or the arbitrary increase of rent at the end of leases on account of the goodwill which attaches to the business and has been created by the occupier. The factor of injustice arises not in respect of additional value accruing to the premises on account of the increase of the commercial value of the neighbourhood, as such value properly pertains to the owner of the building. The injustice complained of is where the occupying tenant's rent is raised

arbitrarily in respect of his goodwill or where he is otherwise subjected to unfair and unreasonable conditions. The value he has created by his own efforts and his own energy is his own property, and he should not be liable to be deprived of it arbitrarily and unreasonably. In addition, there should be an appeal to an impartial tribunal for the equitable settlement of unfair conditions, restraints and restrictions imposed upon the occupying tenant and for the equitable settlement of similar disputes arising between him and the owner.

As regards mineral leases and wayleaves the monopoly position of the landowner enables him on the renewal of leases or at the granting of wayleaves to exact terms which are sometimes very onerous and unfair and in restriction of the development of industry. Failing agreement between the parties, there should be provision for an appeal by either to an impartial tribunal.

Throughout the urban portion of the report, we have not always clearly defined the specific Government Department to which certain duties would be allocated, as it is not necessary for giving effect to the necessary remedies. What is essential is that the two functions of administrative and judicial action should be separate, and that while so far as possible efforts should be made in the first instance to bring about agreement between the parties in the various circumstances referred to in the urban report by officers of the executive, there should always be the appeal to the judicial body. The essential idea is that in very many cases agreement would be reached easily and cheaply by the executive officer, and it would not be necessary to incur the added cost of going before the judicial section. So long as executive work is done by impartial men, it is largely immaterial whether they are officers of one department or another.

Rating.

A factor causing increasing dissatisfaction throughout the country is the steady increase in the local rates, and owing to this increasing unwillingness to further burden the local

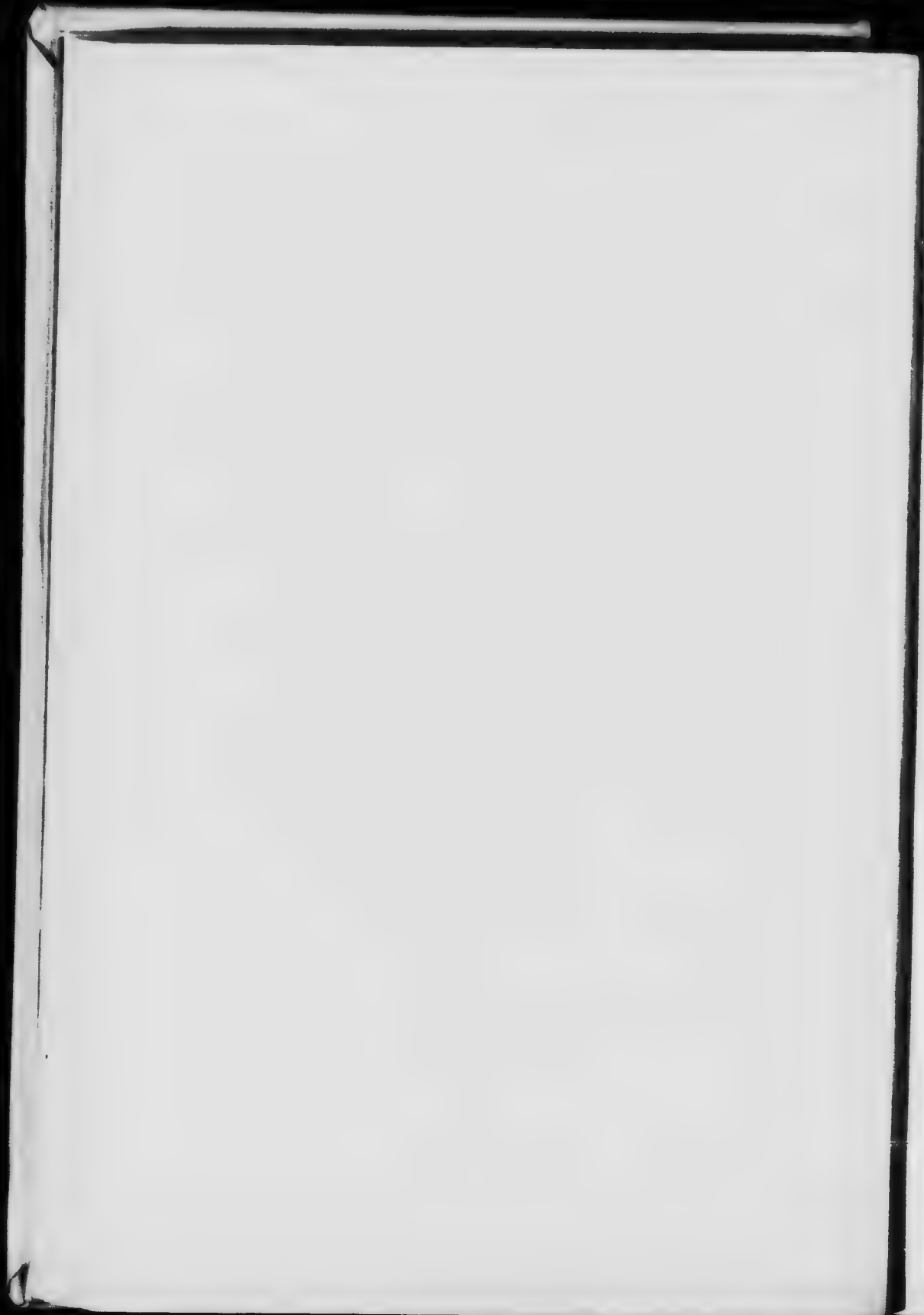
rates many works, often of primary necessity for the welfare of the locality, are not undertaken.

The problem that confronts the local authority is how to raise most fairly and most equitably the revenue needed to pay its expenditure. Under the present system, so far as this revenue is raised from the locality, it is apportioned on the valuation of the land and buildings of the locality, valued in general at the actual rent at which they are let from year to year.

With the rise in the amount of the rates, it is increasingly felt that the portion of this burden incident in respect of buildings and improvements acts as a direct deterrent to building and improvements and that, while on the one hand the man who builds a house or extends his business or his factory becomes liable for a larger portion of this burden, his neighbour, on the other hand, who owns unused land, is in the favoured position of having the value of his land steadily increasing while he makes no contribution to the local rates in respect of this steadily increasing value.

The local authorities have pressed repeatedly for power to levy a rate on site values in order to relieve some of the pressure of the rates on improvements and in order to make it more easy for them to carry out necessary public works.

In addition, a rate on site values, by compelling a man who is holding up land of increasing value in order to secure what is practically a price dictated by himself to pay a rate annually on this increasing value, would place him under a certain financial pressure to have more regard to the interests of the community and to use or dispose of his land for use. As a consequence, he would be less able to dictate the price at which access could be obtained to land which the growing necessities of the community required for productive purposes or for housing.



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CHAPTER I.

RURAL DEPOPULATION.

Section I.—DECLINE OF THE RURAL POPULATION,

THE depopulation of the rural districts, with its resulting evils, has long been a matter of serious consideration, and it has now attained such dimensions as to constitute the most outstanding feature in a survey of rural Scotland.

Great rural areas, formerly supporting many people, are now almost entirely destitute of population.

Four counties—Argyll, Berwick, Perth, and Sutherland—have a smaller population now than in 1801; and the 1911 census shows that in no less than 533 out of the 874 parishes of Scotland the population is smaller than in 1901.

Such increase as there has been is in the cities and the mining and industrial districts.

In every district where agriculture is the dominant industry there is a decrease of population.

Of the 83 parishes in the County of Aberdeen, for example, 63 show a decrease of population since 1901. In the County of Argyll also, in spite of the notable increase in seaside towns, such as Dunoon, Oban, etc., the population has decreased 15 per cent. since 1801, and of its 39 parishes the population of 30 has decreased since 1901. In the County of Banff, 15 of the 22 parishes show a decrease in population since 1901. In Berwick, 25 of the 32 parishes have decreased in population during this period. All of the 6 parishes in Bute show decreases: 9 out of the 10 parishes in Caithness; 4 out of the 5 parishes in Clackmannan; 31 out of the 43 parishes in Dumfries; 17 out of the 20 parishes in Kincardine;

21 out of the 28 parishes in Kirkcudbright; 19 out of the 21 parishes of Orkney; and 23 out of the 30 parishes in Roxburgh have also decreased in population since 1901.

The drain of emigration has been most severe among the younger members of the rural community, and already the loss of so many of the best of the younger rural workers has attained the proportions of a national calamity.

There has been witnessed the complete obliteration of large numbers of rural homes which, from time immemorial, have been the source from which has come a large proportion of the men who have achieved at home and abroad, in the practice of war and in peaceful pursuits, those distinctions which have gained for the Scottish race a proud reputation all over the world; and there is a growing appreciation of the enormous loss to every branch of the national trade and industry resulting from this continuous rural exodus. It is being realised, too, that the decay of the peasant population entails an enormous loss not only to the rural community (in the loss of trade to local shop-keepers, etc.) but to the merchants and manufacturers in the largest urban centres, for it is the loss of so many consumers of the products of manufactures as well as the destruction of the sources of supply of urban labour.

A Few Extracts from the Census Returns of 1911.

The following literal extracts from the Census Returns are typical:

COUNTY OF BERWICK.

(p. 471 (Cd. 6097 VIII.), 1912.)

(Adjustments made for Alterations of Boundaries.)

The result then is that "the population of every parish in the county is now smaller than at the date of some previous Census, and that in many instances the decrease amounts to a relatively large amount. Of the 32 parishes, 5 have lost more than 40 per

cent. of their population, 8 between 30 and 40 per cent. 10 between 20 and 30 per cent., 6 between 10 and 20 per cent., and only 3 less than 10 per cent."

COUNTY OF DUMFRIES.

(*Alterations of Boundaries Inappreciable.*)

(p. 713 (Cd. 6097 XIII.), 1912.)

Only two parishes in the county—Dumfries and Kirkcunneil—have now a maximum population, the populations of the remaining forty-one being now less than at the date of some previous Census. In 3 parishes the decrease of population has amounted to more than 50 per cent. of the maximum; in 10 to between 40 and 50 per cent.; in 10 to between 30 and 40 per cent.; in 12 to between 20 and 30 per cent.; in 2 to between 10 and 20 per cent., and in 4 to less than 10 per cent. The parishes in which the highest rates of decrease have occurred are Halfmorton, where the population is now 56·7 per cent. less than in 1841; Durrisdeer, where it is now 52·7 per cent. less than in 1851, and Keir, where it is now 50·4 per cent. less than in 1831.

Section II.—DECLINE OF THE AGRICULTURAL POPULATION.

The following figures show very clearly the continuous decline in the number of persons engaged in agriculture in Scotland as returned at each Census since 1871:

NUMBER OF PERSONS (MALE AND FEMALE) ENGAGED IN AGRICULTURE IN SCOTLAND, AS RETURNED AT EACH CENSUS, 1871 TO 1911.

1871.*	1881.	1891.	1901.	1911.
254,842	240,131	213,060	204,183	199,083

* The figures include "retired."

NOTE.—The above figures include all persons included in the Census group "Agriculture," except female relatives of farmers engaged in work on the farm and farmers' sons under fifteen years old. The occupation "domestic gardener" is included throughout to obtain comparability.

**NUMBER OF MALE SHEPHERDS AND FARM LABOURERS* IN SCOTLAND
AS RETURNED AT EACH CENSUS, 1871 TO 1911.**

1871.†	1881.	1891.	1901.	1911.
119,391	102,075	95,470	83,441	80,582

NOTE.—In 1901 some wage-earning labourers were returned as “fore men,” and are not included in the above table.

These figures show a decrease of 22 per cent. in the number of persons engaged in agriculture between 1871 and 1911, and in the case of shepherds and farm labourers the still larger decrease of 32 per cent.

**Section III.—DECLINE IN NUMBERS OF FARMERS, SHEP-
HERDS AND FARM SERVANTS AND INCREASE IN THE
NUMBER OF GAMEKEEPERS, 1881-1911.**

While the number of gamekeepers has increased largely since 1881, the number of farm-servants, and shepherds has largely decreased.

It is interesting to follow in further detail the changes in the number of these in each county for the period 1881 to 1911, showing the increase or decrease in the numbers during these thirty years.

Certain changes have been made in the classification adopted in the compilation of the different Census figures. Thus, in the figures for 1911 in the class of farmers and graziers the number of the fishermen—crofters—3,879—is not included, but as regards the decline in the number of shepherds and farm servants, and the increase in the number of gamekeepers the figures are very striking.

* Excluding sons and other relatives of farmers, foremen, bailiffs and grieves.

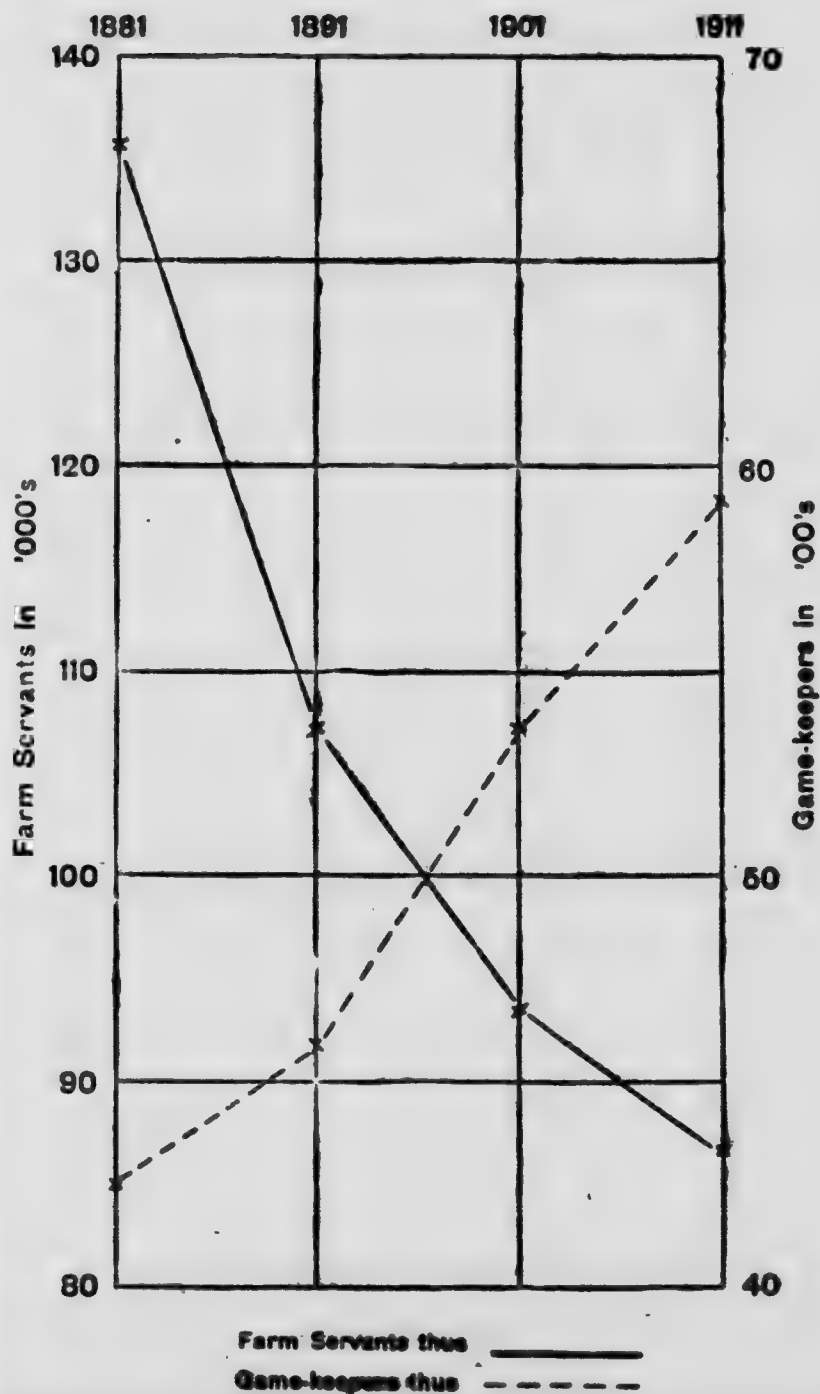
† The figures include “retired.”

County.	FARMERS AND GRAZERS.			SHEPHERDS.		
	Number Returned in		Increase + Decrease -	Number Returned in		Increase + Decrease -
	1881.	1911.	1881-1911.	1881.	1911.	1881-1911.
Aberdeen . .	8,702	7,905	- 797	381	461	+ 80
Banff . .	2,597	2,231	- 366	116	120	+ 4
Berwick . .	497	536	+ 39	418	406	- 12
Clackmannan . .	69	90	+ 21	15	19	+ 4
Elgin . .	1,362	1,095	- 267	186	164	- 22
Fife . .	1,113	1,214	+ 101	214	226	+ 12
Forfar . .	1,678	1,637	- 41	323	356	+ 23
Haddington . .	264	305	+ 41	224	218	- 6
Kincardine . .	1,274	1,110	- 164	78	129	- 51
Kinross . .	173	196	+ 23	46	49	+ 3
Linlithgow . .	342	340	- 2	32	27	- 5
Midlothian . .	519	541	+ 22	238	246	+ 8
Nairn . .	259	265	+ 6	82	83	+ 1
Peebles . .	189	197	+ 8	232	243	+ 11
Perth . .	2,779	2,473	- 306	801	721	- 80
Roxburgh . .	584	631	+ 47	706	677	- 29
Selkirk . .	113	135	+ 22	244	209	- 35
Argyll . .	2,604	1,957	- 647	1,221	856	- 365
Ayr . .	2,556	2,304	- 252	397	394	- 3
Bute . .	482	434	- 48	47	42	- 5
Caithness . .	2,051	1,943	- 108	231	167	- 64
Dumbarton . .	383	377	- 6	88	84	- 4
Dumfries . .	1,564	1,647	+ 83	676	630	- 46
Inverness . .	5,035	4,716	- 319	941	600	- 341
Kirkcudbright . .	984	986	+ 2	507	499	- 8
Lanark . .	2,170	2,154	- 16	280	272	- 8
Orkney . .	2,810	2,630	- 180	27	22	- 5
Renfrew . .	813	703	- 110	45	45	-
Ross and Cro-						
marty . .	5,219	4,553	- 666	669	441	- 228
Shetland . .	2,016	1,871	- 145	54	53	- 1
Stirling . .	966	858	- 108	156	154	- 2
Sutherland . .	2,004	1,745	- 259	426	248	- 178
Wigtown . .	1,012	899	- 113	180	191	+ 11
	55,183	50,678	- 4,505	10,281	9,052	- 1,229

County.	FARM SERVANTS.			GAMEKEEPERS.		
	Number Returned in		Decrease —	Number Returned in		Increase.
	1881.	1911.		1881.	1911.	1881-1911.
Aberdeen . .	15,341	10,701	— 4,640	320	393	73
Banff . . .	5,687	2,861	— 2,826	98	139	41
Berwick . .	5,072	3,365	— 1,707	78	185	107
Clackmannan .	332	257	— 75	19	20	1
Elgin . . .	3,591	1,951	— 1,640	115	141	26
Fife . . .	7,929	5,072	— 2,857	120	178	58
Forfar . . .	6,666	5,264	— 1,402	192	254	62
Haddington .	5,163	3,693	— 1,470	88	150	62
Kincardine .	3,292	2,232	— 1,060	89	110	21
Kinross . .	562	384	— 178	13	32	19
Linlithgow .	1,568	1,200	— 368	29	41	12
Midlothian .	4,743	3,429	— 1,314	83	112	29
Nairn . . .	582	483	— 99	24	36	12
Peebles . .	798	581	— 217	53	77	24
Perth . . .	9,978	5,498	— 4,480	523	699	176
Roxburgh . .	3,882	2,748	— 1,134	111	174	63
Selkirk . .	613	377	— 236	35	35	—
Argyll . . .	6,054	2,811	— 3,243	339	447	108
Ayr . . .	6,681	5,129	— 1,552	202	245	43
Bute . . .	842	585	— 257	26	33	7
Caithness . .	2,954	1,563	— 1,391	61	72	11
Dumbarton .	1,760	1,096	— 664	69	93	24
Dumfries . .	4,851	3,552	— 1,299	172	258	86
Inverness . .	5,628	2,663	— 2,975	391	607	216
Kirkcudbright	3,196	2,448	— 648	170	261	91
Lanark . . .	6,657	5,180	— 1,477	155	188	33
Orkney . . .	2,517	1,193	— 1,324	1	4	3
Renfrew . .	2,701	1,979	— 722	73	83	10
Ross and Cromarty .	6,736	2,503	— 4,233	268	376	108
Shetland . .	1,016	181	— 835	—	—	—
Stirling . .	2,800	1,846	— 954	113	142	29
Sutherland . .	1,653	426	— 1,227	95	182	87
Wigtown . .	4,111	3,287	— 824	121	152	31
	135,966	86,538	— 49,428	4,246	5,919	1,673

Note.—These Tables on pages 7 and 8 are not comparable with the Table on page 6 as they include all persons male and female aged 10 years and upwards occupied in the specified classes.

Diagram showing Decrease in Farm Servants and Increase in Game-keepers.



Section IV.—INCREASE IN EMIGRATION.

The feature of special importance is the great increase in annual emigration during the last ten years. Whereas the proportion of Irish emigration for example has fallen largely and English emigration has not changed greatly, emigration from Scotland has largely increased, as the following figures show :

PROPORTION OF ENGLISH, SCOTTISH AND IRISH PASSENGERS TO NON-EUROPEAN COUNTRIES FOR THE YEARS 1878, 1893, 1907, ETC.
(Parliamentary Paper, 292, 1908, p. 16 and later returns.)

Year.	ENGLISH. Percentage of total.	SCOTTISH. Percentage of total.	IRISH. Percentage of total.
1878	64	10	26
1893	64	11	25
1907	67	17	16
1908	66	16	15
1909	63	18	15
1910	63	20	13
1911	65	19	11
*			

It is worthy of note that emigration from Scotland is now far in excess of the emigration from Ireland. The figures for the years 1909 to 1911 are :

Year.	Scotland.	Ireland.
1909	33,366	24,506
1910	58,384	30,037
1911	61,328	23,806
*		

* Note.—Owing to an alteration in the system of enumeration made as from April 1st, 1912, the figures for the subsequent years are not properly comparable with those of earlier years.

This high rate of emigration within recent years has existed side by side with increasing wages and an increased demand for labour in practically every part of the country. In the industrial area of the Clyde, and in many of the Southern Counties there has been serious complaint of the difficulty of obtaining labour (Spring and Summer of 1913).

The reasons given generally throughout Scotland for this enormous emigration, are, in the main, *the lack of opportunities of access to rural land at home and the absence of the prospects of a career on it.*

It is reported from many areas that able-bodied workers, especially men between the ages of twenty and thirty-five who have not much capital, emigrate with a view to work for wages in Canada for a few years and thereafter to gain possession of farms for themselves. They say that they manage, by first of all erecting temporary buildings on their farms, to get along sufficiently well to save enough money within a reasonable time to equip these farms with substantial buildings.

The following is a short note regarding the emigration from a small town in the South of Scotland within a period of twelve months. It is a town of about 200 families and some 600 persons all told; it is situated in the midst of a district admirably suited for farming but a very large number of the farms in its neighbourhood are what are known locally as "led" farms with the buildings dilapidated and the land only very imperfectly worked.

During the twelve months, ten men and four women went to Canada, and two young men, each about twenty-one years of age, went to Australia.

The following are particulars regarding those who went to Canada:

Nine young men between the ages of twenty-one and thirty years.

One farmer, aged fifty, and daughter twenty-one years, emigrated because he could not get a farm in the district.

One woman (a mother) and her daughter, aged twenty-one, went to take charge of the house of the two sons who had left the previous year.

One married woman, aged twenty-six, left to join her husband who had gone to Canada the previous year.

During the succeeding six months, six young men, of ages ranging from eighteen to thirty years, left for Canada.

Most of these young men were engaged in connection with work on the land, the care of horses, etc., and hoped to obtain means when they settled abroad by working for others at first to be able afterwards to take up holdings on their own account.

And the story is similar from nearly every rural area in Scotland.

It should be noted also, that some of the emigrants to-day have a little capital; and some go abroad to join relatives who are already established there.

Ample evidence has been obtained of the serious consequences to the rural districts of this continual depletion by the emigration of so many of the best and the youngest of the rural workers. As mentioned already, in every area of Scotland in which agriculture is the dominant industry, there is a decline of population. It is reported, too, that emigration claims a large portion of the most enterprising and most ambitious men; that it tends to leave behind the less vigorous. In discussing the causes of insanity in Scotland, for example, the late Dr. Sutherland, a Lunacy Commissioner, declares, (Cd. 4131, 1908, p. 43) that :

A factor in the problem of considerable moment, is the constant migration and emigration of the able-bodied of both sexes, which leave not only Highland and insular places practically stationary as to population, but withdraws the best and healthiest lives, leaving mostly the weaker specimens behind, with tainted histories to intermarry.

We have obtained abundant evidence that it is not the attractions of urban life that draw very large numbers of these rural workers from their native parishes. A certain portion undoubtedly are attracted to the towns by the glamour of an urban environment, but enquiry has been made throughout a large number of rural areas, and the comment most generally made is the common-sense one that these rural workers emigrate, in the main, to districts in Canada, Australia, and New Zealand that are infinitely farther removed from urban pleasures than are the localities which they leave.

It is generally agreed also that large numbers of them would remain at home if they had any reasonable prospect of access to land, and the opportunities for a rural career.

There is one other important aspect of this question of emigration to which we desire to draw attention. Long ago a large part of the emigration from rural Scotland consisted in several members of a family going abroad without the sources of the family becoming extinguished. The emigration from Scotland within historic times has frequently been considerable without causing any serious loss to the nation. It was the emigration of a vigorous surplus population, for whom there were not sufficient opportunities at home. But within recent years the factor that has attracted most attention is the entire obliteration of rural families by emigration. It has become common for the whole family to emigrate, leaving no persons at home to continue the family. This admittedly is a very serious matter.

So far as there is a temporary check this year (1914) to the recent high rate of emigration it is due, in the main, not to improved conditions at home but to more depressed conditions in the Colonies.

CONCLUSIONS OF OTHER INVESTIGATIONS.

The reports of many other investigations also acknowledge the great effect which the absence of the possibility of access to land and of the prospect of a rural career have in driving the rural worker to emigrate. We may quote two examples :

Mr. R. H. Rew, in his Report to the Board of Agriculture on the decline in the agricultural population of Great Britain between the years 1881 to 1906 (Cd. 3273, p. 15), states :

Many correspondents refer to the absence of an incentive to remain on the land, and of any reasonable prospect of advancement in life, and it is mentioned that in some districts, particularly in Scotland, many of the best men have been attracted to the Colonies, where their energies may find wider scope, and where the road to independence and a competency is broader and more easy of access. It is indeed impossible not to recognise that the ordinary career of the agricultural labourer offers little scope for

ambition. - If he is intelligent and quick-witted, he may practically have become a master of his craft by the time he is twenty-one, but after rising to the position of horse-keeper, or shepherd, or perhaps foreman, there is little further outlook and small hope of increased wages. It is not surprising that in many cases he declines to settle down for life in a calling which does not, in the ordinary course, provide possibilities of advancement to an independent position.

Advancement to the man who lives by the land means, in the end, the occupation or the ownership of land for himself, and the presence or absence of a reasonable prospect of attaining this goal must, no doubt, affect the willingness of young and enterprising men to persevere in farm work.

In the Report of the Select Committee on the Housing of the Working Classes Acts Amendment Bill (1906) (H. of C. 376) it is declared :

What is primarily wanted, is that the young agricultural labourer should have a fair prospect of being able to progress by the exercise of thrift and energy from the position of labourer to that of independent occupier. The present conditions are of such a character that any such advancement in life is surrounded with the utmost difficulty. Though he may be endowed with qualities that make for success in other callings in life, the labourer recognises that the land holds out but little hope or reward to him, and sees nothing before him but to live and die a labourer.

Large sums of public money are being spent to alleviate the evils of overcrowding and a congested labour market in the towns, whilst the country districts are spending an ever-increasing amount in rates to turn out a more educated population, the best of whom migrate in large numbers to the towns, and deprive the country rate-payer of the results of his local expenditure. This migration can best be checked by giving greater facilities for the renting or purchase of sufficient land to afford a profitable career to those who remain in the country.

Inadequate housing accommodation is also reported as a cause which drives people abroad, especially in the case of the unmarried farm servant, for whom there is frequently but very scanty housing provision made on the farms, and no adequate cottage accommodation is available in the event of his getting married.

CHAPTER II.

THE DECAY OF THE COUNTRYSIDE.

Section I.—GENERAL : DETERIORATION OF LAND, BUILDINGS, AND OTHER IMPROVEMENTS.

CLOSELY allied with the decline of the rural population is the concurrent deterioration in the farms, the land, the equipment, and rural activity in general. Cultivated areas, which formerly raised crops, or were good grazing land, are now, in many cases, going back to their original condition of heather-covered, bracken-covered, and water-sodden land.

It is found throughout the country also that there has been an extension of the practice of the amalgamation of holdings, accompanied by deterioration of the land and farm buildings, a decline in the maintenance of adequate drainage of the land, great growth of heather, bracken, etc.

It is nowhere denied that this deterioration involves a national economic loss, not only in the absence of the annual interest in the form of crops or produce, which previously were raised from the land (and might still be produced from it), but also in the destruction of capital values in the decay of the agricultural capacities of the soil which was made productive only after the expenditure of great efforts in trenching and draining, in removing stones, in levelling, and the other laborious tasks of land reclamation.

The soil of Scotland, though well suited for agriculture, is in general productive only after much application of labour. It yields little of its produce as a rule without laborious effort. As soon as labour is withdrawn from the land, the general tendency is for it to deteriorate rapidly. It is the experience

over a very large part of the agricultural districts to-day that the decline on this account is attaining to very considerable dimensions, and no one, can regard it as other than a very serious matter.

Section II.—DECLINE IN THE AREA OF ARABLE LAND, ETC.

The total area of land (excluding water) in Scotland extends to 19,070,466 acres. This area was in 1912 distributed as follows :

	Acres.	Per cent. of total.
Arable land - - - - -	3,325,027	17·4
Permanent Grass - - - - -	1,496,307	7·8
Whole area under cultivation - - - - -	4,821,334	25·2
Land described as "mountain and heath land," used for grazing, etc. - - - - -	8,919,629	46·8
Woodlands (1905) - - - - -	868,409	4·6
Area not included above - - - - -	4,461,094	23·4

One-fourth of the total area is thus under cultivation, and nearly one-half is used as rough grazing land.

Within recent years the story has been one of continuous retrogression.

Between 1901 and 1911, for example, 123,000 acres were withdrawn from the plough; and the area of arable land decreased between 1882 and 1911 by 251,375 acres. (Cd. 6021, 1912.)

In 1912 the area under crops and grass showed a decrease, as compared with 1911 of 24,501 acres, comprising 23,541 acres of arable land and 960 acres of permanent grass.

As regards arable land in 1869 the total area was 3,325,868 acres, and from that date it increased until in 1888 there were 3,686,866 acres. Since then there has been an almost unbroken decrease, amounting now to 10 per cent., and the

figures for 1912 are nearly the same as those for 1869. The area returned as under permanent grass, on the other hand, increased, with minor fluctuations from about 1,100,000 acres forty years ago to over 1,500,000 in 1910; the last two years, shewing a slight fall. (Cd. 6966, 1913.)

In contrast with this story of decay, it is instructive to notice that large areas of land have been reclaimed both in Denmark and in Germany during this same period. Germany, for example, reclaimed between 1874 and 1893, 700,000 acres and Denmark has reclaimed no less an area than 1,245,000 acres since 1866.

Section III.—RECLAMATION, DRAINAGE, AND IMPROVEMENT OF LAND.

Throughout Scotland generally the maintenance of the adequate drainage of the land is a matter of the first importance. One of the leading agriculturists in Scotland gave it as his opinion recently, that as much as one-third of the capital value of average agricultural land in the Lowlands of Scotland depends on its proper drainage.

Another leading agricultural authority gives as his opinion in regard to cultivated land :

"The initial improvement to land is drainage. Without drainage the best results cannot be obtained from cultivation and manuring. The cost of draining runs from £6 to £10 per acre. There are thousands of acres in Ayrshire in need of drainage which would pay the landlord to drain. The main reason why such land is not drained is that the landlord is 'hard up.' In a lesser degree, another reason is that the landlord takes no interest, or that his estate is badly managed. The tenant has the power to drain under the Agricultural Holdings Act, 1906, but he thinks twice about spending the money required. Very often he has not the money to spend; and when he has got it he comes to the conclusion it is better to utilise his money in taking another farm where drainage operations are not so urgent."

Large areas of land are unproductive, in part at least, through want of efficient drainage. The reason given generally why drains are not maintained or new ones made, is

that the cost is one which landlords generally are unable, or unwilling, to incur.

When substantial improvements are agreed to be made by the proprietor, as a rule this is taken into account in fixing the rent, or a separate charge is made to include interest and sinking fund. Indeed, all other things being equal, the offerer who asks least improvements is often preferred.

Occasionally the landlord expends, during the currency of a lease, money for which there is no original provision, but generally under a supplementary obligation of the tenant to pay a rent charge of say 5 per cent.

Frequently "improving" tenants have built, drained, etc., at their own expense, relying upon a partial recoupment in extra produce and more liberal treatment on renewal of the lease. In a smaller number of cases the landlord himself has spent money in this way; making no direct charge in respect of it, but animated with a desire to make his land more productive.

It is not uncommon to drain under an arrangement whereby the landlord furnishes the tiles; the tenant cuts and fills the drain and hauls the tiles. The tenants' undertaking is often the more onerous, much more so when the pickaxe has to be used. The disparity is greater when the cognate work of reclamation (which accompanies drainage) falls upon the tenants.

The tenant almost invariably does the hauling attached to permanent works, and in the case of buildings and fences it is a substantial expense. The tenant in most cases superintends drainage, road-making, and fencing, and generally raises and removes sitfast stones if that is done at all.

It is a prevailing opinion among the tenants that as drainage is more of the nature of a permanent improvement, it should be executed by the landlord, and, even where the tenant admits that he could do it and have protection given him by the Agricultural Holdings Act, he is, as a rule, very unwilling to undertake the work.

**FAILURE TO DRAIN ; TYPICAL REPORTS FROM
DIFFERENT PARISHES.**

The following few extracts give some indication of the extent to which this failure to drain is a serious defect, and it is typical of a large amount of evidence from every part of the country. It indicates a failure to maintain adequate drainage of agricultural and pastoral land, which is directly the cause of under-production in enormous areas of Scotland.

**EXAMPLES OF THE DETERIORATION OF LAND THROUGH THE FAILURE
TO MAINTAIN THE DRAINAGE OF THE LAND.**

ABERDEENSHIRE.—Decided deterioration has taken place through failure to maintain drains in this district ; cost of drainage is from £10 to £12 per acre, depending on sub-soil, etc. The value of the land would be doubled if this drainage was done. In many districts here from a quarter to one half of the land requires drainage. The lack of capital on the part of the Landlord and the want of adequate security on the part of the tenant are the reasons why nothing is done.

AYRSHIRE.—Tile, or deep draining, where the land is of a clayey nature has been much neglected. Probably a half of this County requires re-draining, and the position of matters is this : the proprietor will not drain, and the tenant cannot. Costing, as it does, some £10 an acre for tiles, opening and filling drains, etc. I should say it would be worth a half more rent if properly drained.

CAITHNESS-SHIRE.—Much land requires draining here ; cost arable £6, grazing £3 per acre ; the increased value of the land as a result of draining would be 10s. and 5s. per acre per annum. The lack of capital and the insecurity of tenure are the reasons why it is not done.

DUMFRIESSHIRE (S.S.S. 22).—There is a considerable amount of land in want of draining, roughly the half of the land in this district ; the cost is about £8 per acre, plus cartage ; the increased value of land if drained would be at least 10s. per acre annually.

INVERNESS-SHIRE (S.S.S. 35).—The land has certainly deteriorated in this district for want of draining and more particularly in the case of land that was once under cultivation but is now under deer. The brackens grow up and choke the ground.

KIRKCUDBRIGHTSHIRE.—There is very much deterioration here. Main ditches are getting filled up, and unless they are properly cleaned out, draining will not be satisfactory. I cannot give the cost per acre to drain in this locality, as it depends so much on the

kind of soil, but it would be 10d. or 1s. per sq. rod. The improvement would be great, both as regards health of stock, quantity kept, and cropping.

PEEBLES AND SELKIRK (S.S.S. 59).—There is no doubt that in arable farming this is the most crying necessity (draining). Land that requires draining is not worth holding, and there is much land in that position to-day. It is not easy to say what would be the cost to drain land; there are so many elements bearing upon the work—the nature of the soil has much to do with the cost, also the depth of drain and distance of the drains apart from each other. I should say from £6 to £8 per acre would be a fair estimate of the cost as regards this district.

ROXBURGHSHIRE.—There is great deterioration and this is specially clear to the older generation of farmers who have seen the beneficial effect of draining, which is the first fundamental improvement of arable land, and after thirty or forty years, when drains have been allowed to get choked and filled up, seen the poorer crops and deteriorated pastures. The cost of drainage varies but is anything from £5 to £10 or £15 per acre, all depending on width, depth, etc.

The improvement under my personal knowledge resulting from drainage has been in crops to the extent of 2 quarters to 4 quarters per acre of oats and barley, several tons in turnips, and in pasture to carry more sheep and cattle and in better condition.

(S.S.S. 67).—A good deal of land about here was drained a long time ago; the drains were put in too deep (4 feet) and do not dry the land. It was all done with Government money. I cannot tell the cost of draining per acre, it depends on the depth and the kinds of soil. No doubt to make wet land dry is the grandest thing you can do to make it grow. I have some fields here which would produce double if drained. I have 40 acres which need it badly.

(S.S.S. 72).—Land is deteriorating, due to want of draining. Nearly the whole of the land in this parish would require to be drained, as the average life of usefulness of a land drain is about thirty years, and there has been practically no draining during the last twenty-five years.

The new drains should be put between the old ones; which could be left. Drains should be laid at a distance of five to seven yards between each other in heavy soil, and from seven to ten yards in light soil, at a depth of two-and-a-half to three feet. The yield per acre on well-drained land would be enhanced by 25 per cent., in some cases by 50 per cent.

SUTHERLANDSHIRE (S.S.S. 83).—Serious deterioration in the land has taken place during the last fifty years, especially on land which has been cleared of sheep and cattle and turned into deer forest or game preserves.

Open drains or sheep drains, as they are sometimes termed, cost from £3 to £4 10s. per acre, according to the nature and situation of the land. The improved value would average from 2s. to 7s. per acre. From six to ten thousand acres would require to be drained in this district. The reason why so little has been done is the indifference and poverty of landowners, and the insecurity of the farmers who would have their rents raised if they improved their holdings to any great extent.

STIRLINGSHIRE (S.S.S. 91).—About 20 acres out of every 100 require draining here.

The cost would be about £10 per acre for new drains and about £7 for cleaning old ones: the increased value of the land would be from 10s. to £1 per acre per annum.

(S.S.S. 98).—There is a general deterioration in the land of this parish due to neglected and insufficient drainage. The average cost of draining, including labour and material, works out at about £10 per acre.

At a very moderate estimate, one-fourth of the arable land in the Parish is in need of re-draining, and if this improvement could be carried out, the improved value on the land so treated would probably be from 35 to 40 per cent. The reason why the drainage of land is neglected, is due to the fact that, generally speaking, landlords are very unwilling to spend money on this or other needful repairs. In some cases the landlords have offered to provide the materials if the farmers would furnish the necessary labour, but in many cases no help whatever is forthcoming.

FIFESHIRE (S.S.S. 111).—A good deal of the land in this district requires draining. The Government drains in olden times were far too deep or too wide apart. It is difficult to state the cost and the acreage required to be renewed. Good drainers are scarce; and high wages are now required.

Section IV.—GREATER INTEREST TAKEN IN RECLAMATION AND DRAINAGE IN THE PAST.

Though the responsibility for adequately draining the land rests upon the proprietor, and expenditure has been incurred, especially in the past, by proprietors on the work of draining it, it is frequently forgotten how much of this work of drainage

has been assisted in the past by the State, and by the work of the tenants. There have been many Acts of Parliament providing for the drainage of land.

"In 1846, for example, by 9 & 10 Vic., c. 101, the Treasury were empowered to make advances not exceeding £2,000,000 for Great Britain, and £1,000,000 for Ireland, to promote the improvement of land by drainage. The object of the Act is set forth as follows in the preamble thereto:

Whereas the productiveness and value of much of the land in Great Britain and Ireland are capable of being greatly increased by drainage and the extension of the operation of drainage is calculated to promote the employment and effectiveness of agricultural labour and tends also to prevent disease and to improve the general health of the community . . .

"In 1850 a further grant of £2,000,000 was made to Great Britain and £200,000 to Ireland. The total amount lent was, in England, £2,116,510 17s. 7d. The sum lent to Scotland was £1,874,367 2s. 5d.

The Scottish proprietors accordingly took, in proportion to their number, a large share of the £4,000,000.

In the following years there were various Land Drainage and Improvement Acts for the purpose of facilitating the work of draining and improving the land; the necessary money, as a rule, being advanced by the Incorporated Companies, or by private individuals.

Under these Land Drainage and Improvement Acts in Scotland, "Improvement of lands" included:

1. The drainage of land, and the straightening, widening, deepening, or otherwise improving the drains, streams, and water-courses of any land.
2. The irrigation and warping of land.
3. The embanking and weiring of land from the sea or tidal waters, or from lakes, rivers, or streams, in a permanent manner.
4. The inclosing of lands and the straightening of fences and re-division of fields.
5. Reclamation of land, including all operations necessary thereto.
6. The making of permanent farmroads, and permanent tramways and railways and navigable canals for all purposes connected with the improvement of the estate.
7. The clearing of land.
8. The erection of labourers' cottages, farm-houses, and other buildings required for farm purposes, and the improvement of

and addition to labourers' cottages, farm-houses, and other buildings for farm purposes already erected, so as such improvements or additions be of a permanent nature.

9. Planting for shelter.

Money may still be borrowed in accordance with these Acts. The Board of Agriculture gives the necessary approvals and sanctions; and a charge is made on the inheritance of the lands. But owing to the years of depression and smaller profits proprietors have not been very willing to charge their estates with the expense of these works of improvement, so that comparatively little is now done under these statutes.

We have had a great deal of evidence on this question and we fully recognise the landowners' difficulties. It is not an easy matter to have these drainage improvements carried out economically on a capital and interest basis by a proprietor who has to hire labour to do the work: and recently it has been more difficult to obtain the necessary labour. The tenant on the farm is in a much more favourable position to carry out the necessary work, effectively and with economy. He has the best knowledge of what precisely is most needed and he can utilise his labour when it is not busy otherwise.

Section V.—IMPROVEMENT AND RECLAMATION DONE
BY TENANTS.

We have obtained ample evidence that a very large part of the drainage work done in the past was really performed by the tenants.

Speaking of the County of Elgin and the adjacent counties, Sir John MacDonell states (p. 125 of "The Land Question"):

"While the Government loan lasted, the following, as I am kindly informed by one well-qualified to speak, was the rule: Some proprietors charged their tenants 6 per cent., but the great majority charged only 5. The tenants paid this to the end of their lease and then their farms were revalued for the coming lease."

"Another informant, speaking of the same district," Sir John MacDonell continues, "says the custom was to charge the tenant a yearly percentage of about 1 or 1½ per cent. in excess of the Government rate." In fact in a great many instances in which apparently the landlord, or the landlord aided by the State, is the improver, the burden of the work is really borne by the tenant. The latter, too, frequently openly performs the whole

work. The authority whom I first quoted adds: "The tenants have drained a great deal themselves without any help from the proprietor or anyone else—perhaps a third, if not a half, of all that has been done. They have expended an equally large portion, too, on buildings, trenching, etc." One of the greatest works of drainage ever accomplished in the North of Scotland has been accomplished solely by a tenant farmer. The loch of Auchlossan, situated about thirty-five miles west of Aberdeen was, I recollect, ten years ago, a sheet of water, two to five feet deep, and covering 180 acres. There was a margin of sixty acres composed of bog and swamp. It was not the three proprietors of this worthless tract who drained it. A tenant farmer, Mr. James Barclay, undertook and accomplished the task. The feeders of the loch were cut off; a tunnel of three quarters of a mile was excavated to carry off the water, open ditches were dug across the surface of the loch, furrow drains were then made, and for the first two years the whole surface was turned over with the spade at a cost of 20s. to 60s. an acre. In consideration of this enormous outlay, it was stipulated that the tenant should hold this useless piece of land rent free for twenty years, and should pay £100 for each of five subsequent years. The proprietors have, however, I understand, extended the period to twenty-seven years.

The Duke of Richmond stated in the House of Lords on June 14th, 1870, that a twenty-one years lease gave sufficient time to gain compensation for all improvements. "His tenants, I can testify," says Sir John MacDonnell, "will tell a different tale."

The enormous work of reclamation and improvement done by tenants is so universally recognised in Scotland that we have not thought it necessary to give extracts from reports in this sense. The subject is treated at length in Mr. Sutherland's "Call of the Land."

Other investigations have arrived at a similar conclusion.

For example, the conclusion arrived at by Mr. John Speir of Newton, the Assistant Commissioner on the Royal Commission on Agriculture, who was deputed by the Commission to make special and detailed enquiry into the agriculture of the south-west of Scotland, may be noted. He reported that the value of landlord's property had been enormously enhanced by permanent improvements made by the tenants without statutory protection, and subsequently confiscated by the landlords. "Many of those who do not know the circumstances," says Mr. John Speir (Cd. 7,025, 1895, p. 20), "believe that in Scotland landlords have done the bulk of the improvements which have been made on the land. Those who have the best means of knowing the circumstances of

the case, hold quite the opposite view." He quotes an instance of a farm where the rent had been increased since an early date in the century from £30 to £220 by tenant's improvements, for which there was no legal protection. "The removal of stones, levelling, farm road-making, etc.," Mr. Speir continues, "have, as a rule, been almost entirely done at the tenant's expense, and if interest on all those outlays were allowed, a very small sum would remain for rent proper."

In the series of articles in *The Times* this year (1913), entitled: "A Pilgrimage of British Farming" (since reprinted in book form), Mr. A. D. Hall states of the well-known agricultural area, the Laigh of Moray (p. 371 of his book):

"Seaward of Elgin lies an extensive plain, known as the Laigh of Moray, much of it only twenty feet or so above sea level, where the prevalence of names in Muir tells of the conditions that prevailed at no distant date, while the ditches and the drainage canals show the means by which it has been re-claimed. Indeed, the reclamation has been a process well within living memory; the greater part of it was accomplished about two generations ago, mainly by tenant-farmers, who took a nineteen years improving lease, within which period they had to win back the money and labour expended in bringing the greater part of their farms into cultivation, and in many cases erecting the very substantial buildings that are now found."

And one other quotation from the same survey may be taken. He refers to Aberdeenshire (p. 378 of the book just referred to):

"Most of the farming land has been reclaimed within the last sixty or seventy years; the old farms had a little land round the homestead, known, as the 'Infield,' which alone was cultivated, beyond that lay a rough tract of poor grass, heather, fern and bog, known as the 'Outfield' where the young cattle and sheep scratched a living during the summer months. The tenant obtained a nineteen years improving lease and piece by piece took the outfield in hand, drawing out the stones and building them into dykes, draining, in the early days with broken stone, later with tiles—and then liming the newly broken up land."

Section VI.—RELUCTANCE OF TENANTS TO MAKE AND MAINTAIN PERMANENT IMPROVEMENTS.

Many landlords have, in the past especially, spent considerable sums on the work of drainage. Full records of the proprietors' expenditure were kept, generally in the estate

books; but records of the value contributed by the tenants in the way of drainage and permanent improvements were seldom or never kept.

The point has an important bearing on the failure to maintain and to make permanent improvements to-day. It is very largely owing to the fact that so many tenants are less willing to undertake the work now, under the conditions on which they engaged on it before, that reclamation, drainage and improvement have so much declined.

Their point of view is that, with the enormous increase in the opportunities for selling their labour which exist to-day as compared with forty or one hundred years ago, they are not disposed to do the great amount of drainage, reclamation, and improvement work on the same conditions as before, and that, without security of tenure, it is not worth their trouble. This has to be kept in view in estimating, in their proper proportion, the influences which make for deterioration.

There is no doubt that most of the schemes for increasing production by the development of intensive agriculture, various forms of co-operation, improvement of stock, etc., are, to a certain extent, dependent for success on this primary necessity of adequate drainage.

Section VII.—DETERIORATION THROUGH INCREASE OF BRACKEN, HEATHER, ETC.

We find also that there has been much deterioration of land through growth of bracken, rough grass, heather, etc. This has been most notable in the case of land that is used very largely for sporting purposes. With the reduction of the resident population and of sheep stocks and cattle in the interest of sport, there has proceeded a great increase in the growth of rough grass, heather, bracken, etc., so that, as a result, large areas are now losing much of their value for the carrying of sheep and cattle.

In the deer forests also, where there are no sheep stocks, there is great deterioration of the grasses on the lower lands, large tracts of which formerly under cultivation now grow

what is known as "bent." Even where sheep as well as deer are carried there is much more deterioration as a rule than where the land is well grazed by cattle: a well known fact being that where deer feed they pick out the finer grasses, leaving the coarser to seed and multiply, and these tend to choke out the finer varieties.

The following quotation, for example, is from an able apologist of deer forests:

"Such land (i.e., land under deer forest) when cleared of all stock for a number of years rapidly deteriorates in its feeding, the rough herbage soon becomes rank and sour, and the land generally tends to become wilderness, fitted for neither game nor stock. This is specially the case in the west, where the climate is moist. The only remedy or preventive is to stock the land pretty heavily with cattle, and to burn it well. A number of our forests have deteriorated through neglect in allowing this rank growth to take place year after year, and to-day a goodly portion of the land embraced within our forests is useless waste. Some proprietors, recognising this tendency on the part of rough land, have, from the first, made a regular practice of grazing cattle on their forests. Others through force of circumstances are being compelled to recognise the fact that if deer forests are to be kept up to the standard, they must be grazed by stock, otherwise through time a large proportion of our Highland land will be neither suited for sport nor anything else. This condition of matters was not at first felt, as the land, being for long stocked with sheep and cattle, responded to a few years' rest, and for a time did splendidly. Green and dry land does not suffer to the same extent as does rough moor land."

"I specially mention Highland cattle as suitable for forest grazing, because they are the hardiest class of cattle we have. They are also more inclined to roam over the rough ground and eat the class of grass growing thereon, in place of confining themselves to any green spots that may happen to be within the forest, as softer breeds are inclined to do; and even without these advantages their appearance alone would justify them being kept in preference to any other breed, and their extensive use in deer forests would do much to help the Highland crofters or small-holders who, from the point of numbers, are the principal breeders of Highland cattle."

In the interests of game preservation, the growth of heather, bracken, and fern is not infrequently encouraged. In some leases the burning of heather is prohibited.

The recent Departmental Committee on Grouse Disease, for example, gave particular attention to the question of sheep stocks so far as the welfare of grouse was concerned, and they arrived at the following conclusions (Cd. 5871—1911) :

(1) On a moor with a strong growth of heather a sheep stock is distinctly beneficial to grouse.

(2) On a moor with a tendency to turn to grass a heavy sheep stock is apt to kill out the heather, and this may reduce the stock of grouse.

Accordingly, sheep stocks are sometimes reduced in order to secure an extension of the area under heather. It is well recognised that as sheep have a preference for young grass, so have grouse for young heather, and the point of importance here is that the development of the sporting interests in grouse has had an influence in encouraging the extension of heather at the expense of grass.

As regards the cost of the extinction of bracken, and the resulting advantage to the land, the experience of Colonel Fergusson-Buchanan given by him at the opening lecture of the West of Scotland Agricultural College (October, 1913) may be quoted. He said that on the hillsides of his Auchentorlie estate, near Bowling, he found the clearing of bracken a very profitable pursuit, and he submitted a financial statement of his dealings in clearing an area of 700 acres. This work entailed an expense from 1905 to the present year of about £450. Before the bracken was cleared the land was worth about 4s. per acre, and after the continued course of treatment its value was enhanced to 6s. per acre. The capital value he estimated had risen by about £1,700, so that, after deducting the £450 expenditure, the permanent value of the land was improved by about £1,250. Too much of the sheep lands of the country, he said, were covered for eight months of the year with a useless weed.

Bracken, once it has got a good hold, is difficult to eradicate ; its removal involves an expenditure which many tenant farmers consider should be borne by the landlord. This is particularly the case where a new tenant enters a farm which is overrun by bracken.

Some authorities contend that bracken will only be kept down by means of legislative compulsion, and refer to the

powers conferred upon the Irish Agricultural Department by the Act of 1909 to deal with noxious weeds.

**Section VIII.—INCREASE OF BRACKEN AND HEATHER
AND RESULTING DETERIORATION: EXTRACTS
FROM REPORTS.**

The following typical reports sufficiently indicate the nature and the extent of the deterioration due to this cause.

ABERDEENSHIRE (S.S. 11).—There is marked deterioration of the pasture in the deer forests in this district. I have cut hay on the haugh land in several of the glens; it is now impossible to do so.

ARGYLLSHIRE (S.S. 20).—There is deterioration to a great extent of the pasture, notably at ———, and in Glen———. The land referred to in the two Glens was formerly tenanted by large farmers who kept the hill ground stocked with sheep, and is now in the proprietor's own hands, with three shepherds and four labourers resident. The hill ground is wholly given over to sport, except for the grazing of some Highland cattle, and only a small part of the lower reaches is used for purely agricultural purposes.

(S.S. 22).—There is marked deterioration, not only of pasture, but what is more serious, of the arable portion of large farms, through lack of cultivation. Large tracks formerly under cultivation are now choked with an overgrowth of bracken and rushes.

(S.S. 24).—The deterioration is more marked on deer forests where sheep are excluded. The pasture on farms in this locality is spoiled by an overgrowth of bracken through neglect of cutting, owing to short leases and frequent changes of tenants. Heather grows here very high and covers most of the low hill ground where bracken does not grow.

CAITHNESSSHIRE (S.S. 39).—The pasture in this parish that has been for a considerable number of years used in connection with large farms and deer forests is deteriorating, becoming "fog-bound" and gradually going back to its former natural state. Originally, that is before the land was used for deer forests or large farms, the land was occupied by small holders.

INVERNESS-SHIRE (S.S. 48).—There is marked deterioration here after the land is under sheep or deer for a few years; it gets overgrown with moss and brackens. This is all the more marked

in the case of land which was at one time under cultivation. Where a fair stock of cattle is kept on a farm the pasture does not deteriorate to any great extent owing to the cattle manuring the land.

(S.S. 51).—A deterioration of the pasture of large farms and deer forests here is taking place on parts which have been at a former period under cultivation. It is caused by the growth of brackens and ferns, and the continuous use of the land as grazing for sheep and deer without sufficient manuring of the land; such as would take place by its occasional cultivation as small holdings, or if it was used as grazing for a mixed stock of cattle and sheep.

(S.S. 52).—All the large owners of this parish use their pasture land for the double purpose of sheep-raising and game-preserving. To make the pasture ground suitable for game preserving, the heather, brackens and ferns are allowed to grow promiscuously: with the result that the pasture has deteriorated everywhere on the large farms. Consequently the sheep stock raised is poorer, and the land cannot maintain as many sheep now as it did twenty years ago.

(S.S. 57).—All the land on the fourteen farms in ——— Deer Forest, from which the tenants were evicted, is now well grown over with heather. The arable land was as good as any in the parish. The occupiers of the farms who, with their families, numbered 119 individuals, depended largely on the excellent pasture, which carried 10,000 sheep, 200 head of cattle, and 20 horses. The occupants now are 5 keepers with 4 ghillies for the season, and the annual output now is about 100 stags and hinds.

WIGTOWNSHIRE (S.S. 88).—Parts of these holdings that in olden times were cultivated (as seen by the rigs) are overgrown with bracken, fog, heather and rushes, and year by year are deteriorating further.

DUMBARTONSHIRE (S.S. 89).—The deterioration has been very marked during the last thirty years. Two main reasons are the constant and rapid inroad of bracken on pasture land, and the spoiling of grass by rabbits. The bracken in this district is exceedingly troublesome.

CHAPTER III.

THE AMALGAMATION OF HOLDINGS.

Section I.—“LED FARMS.”

Another example of the rural deterioration is associated with the practice of amalgamating holdings, where the amalgamation is brought about, not for the purpose of obtaining a larger or a better agricultural production, but for the reason of avoiding the expenditure of the money necessary to maintain the farms in their normal condition as units of agricultural production.

In certain districts the most acute appreciation of the effects of the rural decay is associated with the problem of the “led” farm. This is a farm which is let, generally for grazing purposes, to a farmer who does not reside upon it. As a rule he lives on another farm, and as he does not fully occupy the buildings on his “led” farm, these very frequently fall into decay. The land, as well as the buildings on the “led” farm, as a rule, deteriorates rapidly.

Less labour is employed on the land, and the farmhouse, steading, etc., may be in any condition of decay. The “led” farm has generally a dilapidated appearance, the tenant of a “led” farm being content, as a rule, with a little less profit per acre, so that cultivation is not so thorough, and further deterioration of the holding continues often practically unchecked.

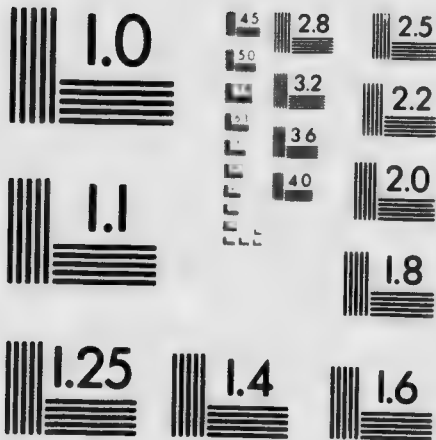
There can be no question that the land suffers and the community decays.

The following two typical reports from the south-east may be quoted here :



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BERWICKSHIRE.—Of nineteen farms in this parish (rents varying from over £100 to over £600 per annum) seven are held by men who have other farms.

The “led” farm is as a rule placed under grass and the rearing of sheep is the main object. The farmhouse, steadings, fences and drains are neglected; and the farmer has no other interest than to get a fair return on his stock. The land deteriorates.

If the policy of one man one holding prevailed, the farmer would follow the usual agricultural routine and grow the usual variety of crops. He and his family would live in the farmhouse and the steading would be occupied. More labour would be employed and the rural shopkeepers, etc., would benefit.

When a farm is let to a neighbouring farmer for sheep rearing purposes, the farmer does not care much about buildings and does not worry the landlord about repairs. Often he is a rich man and the rent is assured. Thus, though a smaller rent is received, the landlord escapes the immediate duty of putting buildings, etc., into repair and frequently is better assured of his rent.

ROXBURGHSHIRE.—In recent years the practice has grown of several farms being taken over by one tenant accompanied by the decay of farm buildings, and it has been the means of a living being taken from families who could have taken the farms at a fair rent; it has also been the means of fewer farm hands being employed, and these have had to go elsewhere to get employment.

There is a very strong feeling in this district against this practice. It should be abolished as it is very much against the interest of the working classes, especially those that have the means to take a farm of from 100 to 150 acres.

The practice is specially favoured by landlords who are unable or unwilling to maintain the buildings on a farm. On the expiry of a lease they prefer to let the farm (even at a smaller rent) to a tenant who does not ask for money to be spent on putting the buildings, etc., into habitable and proper condition for use; and as the tenant uses the land of his “led” farm generally for grazing, he does not need to make very much use of the buildings. So he is not so actively concerned about their condition of repair.

A well-informed agricultural authority reports:

Where a farm is let to a farmer who intends using the place for sheep-rearing purposes, he is not too particular about the upkeep of buildings and does not pester the landlords for improvements. He is usually a more wealthy man and his rent is

sure, although its amount may not be so large in proportion as that paid by the arable farmers, and the landlord, if he considers nothing else, finds it to his pecuniary interest to let his land in that way.

An extract from a report from Caithness may be given :

Poverty and indifference of the landlords and those associated with them in the management of their estates is the principal cause of "led" farms in this county. It also saves them trouble in maintaining houses, steadings, fencings and other necessary equipment for proper and full cultivation of the land.

The problem of the "led" farm presents many difficulties.

On the one hand, there is no obvious reason, on abstract theoretical grounds, why a capable, ambitious man of ample capital and more than adequate knowledge and experience should not rent as many farms as he can stock and manage, provided always that an adequate and reasonable use of their agricultural capabilities is made. Further, as a very able agriculturist reports :

This point (one man one holding) depends so much on the particular circumstances of each individual case. It is very similar to the question of the most suitable size of farms. Some holdings have got merged as they were too small to be economically worked, owing to their situation, distance from market, kind of land, etc. In other cases I consider the merging has been very bad policy.

There are a minority of cases in which the amalgamated holdings are put to more productive use than they were previously, but these are not the ordinary cases. The following relates to one of them :

FIFE (R.B. 41).--There is a tendency in this locality for farms to be absorbed by one occupier. This, however, has of recent years been chiefly for the purpose of raising early potatoes for the London market. The potatoes are kept in boxes until they are sprouting, and then carefully planted by hand. This system has largely increased the number of people employed on the land.

On the other hand, the form of amalgamation of holdings which arouses bitter feelings in various localities throughout the country is not one which makes for better production, and a more vigorous rural life ; but one which lays great

areas of the countryside practically derelict, extinguishes the business of the local tradesmen and shopkeepers, and all who are dependent on the economic life of the district; reduces the number of homesteads and withdraws the land from better utilisation in agricultural production; in short, stifles all possibility of the normal maintenance of the life and activity of the locality, and conduces to still further rural decay.

We have ample evidence of the evil effects on the locality, from every point of view.

There are two classes in the main in the localities concerned from whom the protests principally proceed. They are the people who want holdings, and cannot get them; and, secondly, the large class of the rural tradespeople (blacksmiths, joiners, etc.), and the rural shopkeepers who find that, in the destruction of farmhouses, the obliteration of so many households, and the consequent absence of so many customers for their services and their wares, their businesses suffer, and the rural community stagnates and decays. In many districts, particularly in the south-east, the complaints are very loud, and the picture of the depleted countryside, with many farm buildings altogether in ruins, is quoted as a standing condemnation of the system.

Section II.—RESULTS OF AMALGAMATION OF HOLDINGS.

The best way to convey an adequate appreciation of the nature and extent of the practice and its results within the last twenty years, is by a few typical extracts from reports received from different parishes.

PEEBLES AND SELKIRK (S.S.S. 258).—On “led” farms in this district the houses are in ruins and the fences are much neglected. The land has been laid down more in grass and there is less cultivation.

Tillage is in a great measure stopped, and the people are put off the land.

ROXBURGHSHIRE (S.S.S. 63).—It may safely be said that as a general rule, a “led” farm is not worked with the same care as one where there is a resident tenant; and that, therefore, its

productive capacity is not fully realised. For one thing, labour on such farms is curtailed to the lowest possible minimum.

A blacksmith's shop, in which there used to be plenty of work, was closed last year. With more and more land going down to grass, fewer horses are needed, and the need for implements is correspondingly lessened.

(S.S.S. 67).—"Led" farms are a curse to the country. I can count over thirty "led" farms within a radius of ten miles from here. The effect of this practice is bad; farm-houses standing empty, going down, and fewer hands kept.

(S.S.S. 69).—An old rent roll of the 17th Century, published in Bruce Armstrong's History of Liddesdale, etc., shows that there were then 225 holdings in this parish; now there are not 40. In the early part of last Century, the general policy of the landlords was to abolish smaller farms and to form great sheep-grazing tracts, with the result that much land has gone out of cultivation, and been allowed to return to a state of nature.

DUMFRIESSHIRE (S.S.S. 226).—Cases in which farms have been let as "led" farms were nearly always due to the houses requiring a large outlay of money, and so they were let as they stood. I do not think it made any difference to the fences. The "led" farm is generally laid out more as a grazing farm than previously.

HADDINGTONSHIRE (S.S. 47).—This (the amalgamation of farms) has been done for many years past, especially has it been so where a reputedly wealthy farmer was available. Farm buildings have suffered a good deal on account of the non-residence of the tenant. In some cases the existing condition of the buildings, and especially of the dwelling-house, has induced owners to let the farms to non-resident occupiers. Where the owner has been impecunious he has been more ready to resort to this.

ABERDEENSHIRE (S.S. 331).—Both these practices (amalgamation of farms and decay of buildings) have grown in recent years; and latterly at an increasing rate. Three farms which march with — holding are tenanted by men who have other farms and don't reside on them at all. There have been also several cases of throwing two or three holdings into one at —; four places are now two; at —, two also have gone into one; and, on the same estate, three have gone into one; at —, three have gone into one; and at —, two into one. Every one with whom I have come into contact, who ventures to express an opinion on the subject, is against the practice and firmly believes that unless speedily checked we must go to the dogs.

(S.S. 247).—In ——— and ——— there were many small farms with sheep grazing attached forty years ago. In the Glens of ——— they have gradually disappeared. Some of the farm houses were kept up for shepherd's houses; the other buildings were allowed to decay.

(S.S. 126).—There are twenty-six holdings in the outlying parish and ten in this area that have gone out of existence of recent years, the houses have fallen into decay and the land has been added to other farms. There is a strong feeling in the parish against this practice, and when a small holding comes into the market there is a keen demand for it. The sizes of the holdings that have gone out of existence are from 5 to 30 acres.

(S.S. 14).—In this parish alone there are several instances of three or four holdings being now under one tenancy, also a great number of small holdings which have been demolished, those principally which were taken in by industrious working-men who built the houses.

(S.S.S. 7).—In this district the houses on the farms absorbed have been allowed to tumble down.

(S.S.S. 3).—The merging here is caused by the inability of the proprietor to provide buildings, and neighbouring tenants wishing to take more land and give the former rent, so in many cases the proprietor cannot be blamed.

ARGYLLSHIRE (S.S. 25).—Half the island is under sheep and is occupied by three farmers. Formerly there would be about twenty small farms. The ruins of many of the buildings are still to be seen. The local opinion is strongly in favour of breaking up these large farms.

(S.S. 28).—About forty years ago the present farm of A—— was occupied by nine tenants, but at that time the then nine farms were acquired under one lease. The result of this was the turning of cultivated land into pasture, and the decay of steadings.

(S.S. 33).—Two farms here were thrown into one, with the result that the steading on one was allowed to fall into ruins. The arable land of ———, which used to be good, is now a soaking bog, not even affording decent pasture.

Two other farms were also joined. On one of them not one inch of the arable is now ploughed, and the houses are down.

Two small farms in this district have this year been joined. Result—land still cultivated, but one house is empty.

CAITHNESS-SHIRE (S.S.S. 21).—Houses and fences have been allowed to fall into decay and disrepair through amalgamation of farms.

The productive capacity of the land as a result has been reduced by about 50 per cent., and on the majority of the amalgamated farms the fertility has been reduced by bad farming and neglect to a very great extent.

DUMBARTONSHIRE (R.B. 42).—Three prosperous sheep farms here and part of a neighbouring farm were four years ago withheld from letting and turned into the deer forest.

The land was good, comprising some of the best pasture ground in the district: the last tenant sold his last yearly lot of lambs at 18s. a piece.

The local feeling is very strong on this point. These three farms used to give shelter to five families, and employment to thirty people—now they support only two keepers.

INVERNESS-SHIRE (S.S. 54).—A farm here of 80 acres arable, and about 700 pasture, has been joined to another farm of from 60 acres to 70 acres arable, and from 50 to 60 acres pasture; while the steading has been allowed to decay, and the other farm house is occupied by one of the farm hands. There is undoubtedly a strong opinion locally against the practice of joining fairly large farms.

INVERNESS-SHIRE (S.S. 56).—There have been several farms thrown into one in this district, and being taken over by one tenant, accompanied by the decay of farm buildings.

(S.S.S. 37).—Holdings occupied by eight tenants twenty years ago are now occupied by four. Going back beyond twenty years we find a large population in ——— and adjoining glen, who subsisted on what they produced from the land: to-day there are no people in the glen except a small number employed in connection with the preservation of game. The difference is that formerly a large population produced its subsistence from the land, whereas now the small population does not do so. As a rule the large holdings, whether conjoined with others or not, are run mainly as sheep farms, and little attention is paid to improvements generally.

The productive capacity of the land is greatly lessened, and, as already stated, the actual production from it is much less than in the case of holdings which are smaller and from which the tenant is compelled to extract the greatest possible product. The large holder can afford to produce less per acre.

FURTHER EXTRACTS FROM REPORTS.

In further evidence of the effects of this system, the following typical replies to the question given below may also be quoted :

QUESTION IN SCHEDULE.

Is there a tendency for several farms to be absorbed by one occupier ? If so, what is the consequence of this :

- (a) Upon the position of the labourer ?
- (b) Upon the agricultural development of the district ?

TYPICAL REPLIES.

ABERDEENSHIRE (R.B. 3).—It excludes other families from the soil and indirectly affects the labour question. Young men brought up on small holdings are the best farm servants.

(R.B.5).—(a) It drives labourers off the land: (b) It puts a portion of the land out of cultivation, being often let for sheep pasture.

(R.B. 9).—Led farms are a very great evil in rural economy.

(R.B. 11).—(a) Fewer farm labourers are required.

(b) The absorption of small farms which has been going on throughout the length and breadth of the land for many years, has most seriously affected the number and efficiency of our farm servants. All who were best in the service of the farm were reared in small farmers' homes. This condition of things forces our best servants to leave the country for America where land may be had.

ELGINSHIRE (R.B. 18).—(a) In all cases here where small farms have been merged into one, less labour is the result.

(b) This absorption has led to the land being less carefully or intensely cultivated, and consequently to a marked diminution of the amount of produce.

KINCARDINESHIRE (R.B. 23).—(a) There is less labour required, and the labourer is forced out of the locality.

(b) The land does not receive the same attention, and the houses are allowed to get into a bad state of repair.

PEEBLES AND SELKIRK (R.B. 26).—(a) The farms are used for grazing, as they usually are when one farmer has several, and the labourers have to find employment elsewhere.

(b) The practice is against the interests of the district in every way, fewer people are employed and this means less work generally throughout the district; trade and everything in the locality suffers in proportion.

Section III.—ADVANTAGES IN A DIVERSITY OF HOLDINGS.

We attach much importance to the general principle that, wherever possible, land should be put to its best use for productive purposes.

We consider that, although the best form of rural economy is one in which large, intermediate, and small farms exist, the greatest need at present is for an increase in the number of the smaller farms and holdings, not only with a view to the raising of a larger production, but also with a view to the general regeneration of the countryside, and the increase of the rural population.

There is a great mass of evidence in this sense. The following are a few examples :

PERTSHIRE (S.S.S. 105).—To give one instance of what can be done in regard to the sub-division of land. When I came to Perthshire thirteen years ago, only three tenants were on the estate, but being a firm believer in small holdings I advertised once or twice in the —, and had many applicants as would have taken up the little estate of — acres. I gave off a few and now instead of three tenants there are eleven all doing well, from three to fifty acres mostly in raspberries and strawberries.

Mr. — got three acres; he works in the factory during the day and along with his wife and family spends all his spare time in his place and keeps it in grand order clean and tidy; he has made money and tells me he could buy the three acres; he says his wife and family are much better in health, of course he works hard and his children go and sell his berries to the villagers. This is the sort of man who should receive encouragement.

ROXBURGHSHIRE (S.S.S. 72).—Small holders as a rule produce the maximum from their land, which is proved by the higher rate per acre given for the same quality of land. They bestow more care and labour on the ground, eradicating weeds, etc., and more attention is given to manuring. On a large farm they can

afford by reason of a lower rental per acre, to skip over and neglect the more unproductive parts.

The industries and trade of villages and County towns would increase 50 per cent. if a system of small farms were established. The small farmer (as far as my experience goes) is more exacting and requires more goods than the big farmer in proportion, and always patronises local industry if possible.

KINCARDINESHIRE (S.S.S. 37).—A vast increase in production would follow the sub-division of the land alone without the adoption of any improved methods. I estimate the increase at anything between twenty-five and fifty per cent. The adoption of more up-to-date methods would doubtless follow, in which case the increase in production would be greater.

In the future the large farmers are likely to be faced with a smaller supply of "stores" from Ireland, and an increase of small holdings in Scotland would doubtless help to remedy this by providing a larger supply from Scottish sources. Large farmers in other cases are more anxious now than formerly for an increase in the number of small holdings, with a view to a larger supply of farm servants being forthcoming.

From Wigtownshire, a very successful agriculturist reports :

(S.S.S. 85).—I think the farmers in this district suffer, along with practically the whole of Scotland, from not themselves breeding sufficient young cattle. The present foot and mouth disease troubles have done no more than bring this fact to light. Great good has arisen in Ireland from the assistance given by the Government towards providing high-class sires to poor farmers, so much so that the class of Irish cattle sent to this country in recent years is greatly improved and of much greater value than formerly.

The Board of Agriculture are developing schemes in this direction as part of the work of development which they are pushing forward.

From other typical reports the following may be quoted. It is from Roxburghshire :

(S.S.S. 68).—There is no doubt that much of the land could profitably be made to produce more by suitable treatment by the tenants of their property if their improvements were safeguarded. *Judicious sub-division* would no doubt largely increase certain

kinds of produce. As a rule where a large farm consists of high-class lands, especially in the parts remote from the farm buildings, sub-division would cause increased production. Unless in the hands of a very competent farmer, these good lands remote from farm buildings cannot be managed to their best advantage. In the case of poorer lands or of farms with some good land near the buildings and poorer lands further off, such large farms would generally be most economically managed if left undivided.

A good mixture of farms of all sizes throughout a district would seem the best arrangement, provided none were too large or too small for the special methods of farming which suited the district.

Section IV.—RESTRAINT OF EXCESSIVE AMALGAMATION.

We are of opinion that, in a large number of instances, the merging of holdings has been in a high degree detrimental to the interests of the locality and the nation. It conduces directly to under-cultivation and depopulation.

When it is proposed to let a farm as a "led" farm we consider that, before this can be done, the Board of Agriculture should be notified, and if, after local enquiry, the Board consider that it is the only reasonable and practicable course to follow, the farm may be so let, but not otherwise. We consider also that the work of sub-division should be pushed forward, especially in the case of very large farms where the present tenants are not retaking them.

We want to make it clear that we do not suggest any rash policy of injudicious and indiscriminate sub-division.

The splendid work done by many of the larger tenant farmers is notable and conspicuous. But the grievances set out above refer to farming of a different sort. In addition, farms are continually becoming vacant, so that they can be sub-divided without disturbing any existing interests.

The following are extracts from reports :

(S.S.S. 16).—The question of sub-division of the land is a delicate one and if rashly gone into might end in real harm being done to the country as a whole. It is no benefit to create a large

number of very small holdings unless sufficient large holdings are left to utilise the young cattle turned out on the small places which these places are unable to bring to maturity and fatten.

(S.S.S. 18).—On large farms (excepting those which are partly under sheep) the culture is fairly good in this district and the best modern implements are used. But sub-divided farms occupied by energetic tenants would make a more thriving country-side, and do greater good to the adjacent towns and villages.

CHAPTER IV.

THE PROPRIETOR'S INABILITY TO EQUIP THE LAND.

Section I.—GENERAL

As already indicated, a main cause for amalgamating holdings, the failure to maintain drainage, and the other features of the rural decay, is the absence of the application to the land of the capital necessary for its reasonable equipment, and there can be no two opinions as to the disastrous effects—socially and economically—on the countryside.

From the national point of view, also, the effects are equally disastrous in the decay of the rural population, the diminution of food supplies, and the destruction of rural sources of wealth production.

These points have been sufficiently demonstrated.

But the point of view of the landlord should not be overlooked.

When, for example, the houses and steadings on a farm fall into disrepair, in many cases the proprietor, rather than spend money in making these habitable and tenantable, lets the farm so as only to have one set of buildings to maintain. The additional rent which he would get after putting the other houses and farm buildings into adequate repair may not be a sufficient inducement to encourage him to incur the additional expenditure, especially when he argues on a basis of not investing money for less than a 5 per cent. return.

In such cases the landlord prefers very often as tenant one who "will take the farm as it stands, and ask no improvements."

In this course he has been encouraged by the general economic tendency to diminish the extent of arable land, and to increase that laid down in grass.

The position, then, should be clearly perceived.

If it is accepted as final that this is a position which the landlord may maintain, then the continued deterioration of the countryside in proportion as he is unable to finance its equipment and development (and is able to prevent other people from financing it) would seem to follow as the inevitable result. The continued depopulation and decline of rural Scotland, and all that this implies in disastrous results for the nation and the empire, is only a matter of time.

As shown, also, in earlier days it was easier for the landlord to expropriate the vast improvements made by the tenants, whereas, to-day, tenants, owing to the other avenues of work open to them, will not make improvements so readily, so that in this way also there is withdrawn from application to the land a source of much labour and capital which formerly was so applied. That in so many cases the seller of an estate sold these improvements for value to a purchaser in no way altered the unreasonableness of the matter from the tenant's point of view. In many cases the incoming of a new proprietor implied nothing more to the tenant than an increase of rent on his own improvements, value having been paid for these not to the tenant but to the outgoing seller of the estate.

It will be seen in a subsequent chapter that, under a system of security of tenure and security for the investment of capital by the tenants in buildings and in the development of the soil, this problem of the impoverishment of the land and its equipment has been solved, in part at least. It is somewhat difficult to hold that landlords must, in every case, equip and maintain adequately the farms on their estates, in view of the admitted inability of so many of them to undertake so considerable a task; but no reasonable man would maintain that their failure to do so should be held to be, as it is in effect at present, the final word that great rural areas shall lie derelict or quite inadequately worked and busy rural localities become desolate; when, all the time,

there is within reach a hardy race of farmers—the best in the world—who are yet unable to get access to the unutilised land which lies around them. A system which perpetuates so great a waste of the national heritage, one which is so destructive of the best sources of the rural population, is such as no fair-minded man would care to justify.

Section II.—BURDENED ESTATES AND ABSENTEEISM.

Many of the Scottish proprietors are absentees and do not take as close an interest in their rural possessions as even they themselves would often wish. It is remarked continually that, on the average, English rural proprietors who live more on their estates, compare advantageously with the Scottish proprietors in this respect. It is very common to find Scottish rural estates owned by people who live mainly in London and abroad, and spend at best no more than a few weeks in the summer or autumn on their estates. With the growth of this habit has proceeded the increasing inability of tenants and proprietors to meet personally, the management of the estates being left in the hands of factors and agents who only too frequently find themselves in positions of considerable difficulty. In the locality they are pressed by the tenants to incur much expenditure—which is admitted to be necessary for the proper equipment of the holdings; but, on the other hand, their success or failure professionally in the eyes of their absentee masters is judged by their ability to keep all expenditure at a minimum. As a consequence, their aim too frequently is to produce the highest net balance on the year's working, admittedly without sufficient regard either to the agricultural interests of the farms, or to the future condition of the estate. We can refer to many estates in Scotland where this injurious practice prevails.

We find, further, that many of these failures to maintain holdings and equipment occur frequently on estates that are heavily burdened or mortgaged. It is not uncommon, also, to find this lack of proper maintenance on entailed estates,

especially where the next heir is not a son or daughter, but a distant relative, or where the proprietor is endeavouring to make provision out of the revenues of his estate for sons and daughters (other than the heir), who are not otherwise provided for. On these burdened estates the minimum of expenditure is incurred as a rule, and as the tendency is for farms to be let to the highest bidder, irrespective of his reputation or capabilities as a farmer, neither the landlord nor the tenant has any desire or any sufficient interest to incur an outlay that conduces to cumulative fertility and cumulative results, their principal object being to take as much as they can from the estate immediately.

The following is a statement by a solicitor with a large experience of entailed estates in the East of Scotland :

Another opportunity of burdening Entailed Estates was provided by the Act of 1824, commonly called the "Aberdeen Act." Proprietors of such estates were empowered to charge the rents after their death with (1) an annuity to their widows and also (2) provisions in favour of their "younger children," that is, such of their children as did not succeed to the estates. This power has been extensively exercised.

The annuity to the widow must not exceed one-third of the "free rental," but the Courts have given a very liberal interpretation to this term. For example, they have held that several deductions which are usually regarded as being chargeable against revenue are not to be taken into account, such as costs of upkeep, expenses of management, insurance premiums, income tax, etc. Many estates also are burdened with two annuities, but while two are subsisting a third cannot be charged. Where several brothers have succeeded to lands in turn, it has often happened that the last one in possession has found himself disabled by this provision.

Then again, if there is one younger child a bond of provision to the extent of one year's free rental can be granted to him, if two younger children a bond to them to the extent of two years' free rental, and if three or more younger children a bond to them to the extent of three years' free rental. The succeeding heir may apply to the Court for authority to charge the provisions on the capital of the estate. This is the course usually followed. The money is then borrowed from some private lender and the younger children paid out. The charge however, remains a permanent burden on the estate.

It has frequently occurred that the annuity to the widow has in course of time come to be out of all proportion to the revenue of the estate. The rental at the date of the husband's death is taken in fixing the amount and thereafter it is not subject to readjustment. If the rental for that year happens to be abnormally high, such as may happen in the case of an estate with a large mineral rental, the annuity becomes a most serious incumbrance to succeeding heirs. This, coupled with the permanent charge in respect of the children's provisions' diminishes the free revenue of an entailed proprietor.

Further, by the Finance Act of 1894 an heir of entail is entitled to charge on the estate, estate duty and settlement estate duty paid by him as such proprietor. Where the rate of estate duty is a high one this provision also considerably reduces the worth of the estate to succeeding heirs.

The burdens on entailed estates can be usually traced to the following sources (1) Entailer's debt; (2) Improvement expenditure charges; (3) "Aberdeen provisions"; (4) Government Duty charges.

The following is an extract from a schedule. It is also by a solicitor of considerable experience:

One apparent advantage of holding land under entail is that the holder cannot encumber the land except for improvement expenditure on it sanctioned by the Court and for family provisions; so that, in a comparison of large estates, some held in fee-simple and the others under entail, we often find that the estate held in fee-simple is more heavily burdened than any entailed estate, because the fee-simple owner can give a lender a more valuable security for the loan than the entailed proprietor can do. I question if improvements and an adequate supply of houses have not been more fully attended to on many entailed estates in this county than on those held in fee-simple. I have had experience of a large entailed estate where a very large sum has been spent, and mostly placed as encumbrances on the estate in about sixty years, largely for permanent improvement expenditure, although the proprietors had regularly spent large sums for repairs from their income without charging them on their estates. These improvement encumbrances are charged upon the entailed estate by the sanction of the Court by way of Rent Charges annually paying interest and a portion of capital so that the loans may be wiped out in about twenty-five years. In consequence, however, of the provisions of the Act of 1875, it became possible for the heir of entail in possession on certain conditions, to convert rent charges into permanent mortgages on

the estate and discontinue the Rent Charges as such, and this has been taken advantage of by certain proprietors, with the result that they have kept placing new permanent charges on the estate without taking any off; and so, in time, bleeding the estates to death. This pernicious provision in the 1875 Act has, I think, done much to bring some estates to their present positions of penury. Had the proprietors been compelled to pay principal and interest by instalments spread over twenty-five years, many terribly burdened estates would now have been in a comparatively strong position.

SERIOUS RESULTS OF FAILURE TO EQUIP.

There is evidence from every part of the country that estates which are financially burdened to what is admitted to be a serious degree suffer very much through the failure to apply to them the money which is necessary for maintenance and equipment. Many proprietors of financially burdened estates are willing to do their best, but admit that the agricultural interests of their land suffer through their lack of the necessary capital. The question is further complicated by the comparatively small inducement given to a proprietor to sink money in an estate which he is not himself farming.

We have obtained ample evidence that no person is in so advantageous a position for obtaining a large return from capital and labour expended on the holding as the person who is actually farming it. By doing his own carting when he has no other work for his horses, and by labouring at the times when he has nothing to do on his holding, he can carry out building operations and other works of improvement much more cheaply than anyone else.

We consider that part, at least, of the remedy is to give to the agriculturists such security of tenure that they will be enabled to apply their own capital and their own energies to the land without fear of having their capital expropriated by the proprietor of the land.

Section III.—INABILITY TO EQUIP : TYPICAL EXTRACTS.

The following typical extracts from reports from different districts throughout Scotland give an indication of the extent to which the adequate maintenance of agriculture is handicapped on this account :

ABERDEENSHIRE (S.S.S. 260).—The fact is at present, that on several estates in this district the buildings are practically derelict, and the factors openly admit that they can't do anything on account of impecuniosity.

ARGYLLSHIRE (S.S.S. 115).—In many cases estates here with their burden of debt and expense of upkeep do not give anything like an adequate return to their owners, but that does not mean that these same estates, if freed and made available and properly utilised, would not be made to pay.

DUMFRIES-SHIRE (S.S.S. 126).—While I think that the law of entail should be abolished, I don't think it affects the prosperity of agriculture here, and as far as this is concerned the houses on entailed estates in this district are up to the average. But where the estates are heavily burdened, the proprietor will sometimes take a lesser rent rather than spend money on houses, and it is certainly against the development of agriculture that so much money should be paid out in rent and so little returned to it by the proprietor.

HADDINGTONSHIRE (S.S.S. 233).—On financially burdened estates here nothing is done that can possibly be avoided.

KIRKCUDBRIGHTSHIRE (S.S.S. 244).—The main desire (in the care of an encumbered estate) is to get the largest immediate return with the minimum expenses.

(S.S.S. 245).—The nominal owner has not the means to spend on the property to keep it in repair, consequently an enterprising tenant gets no encouragement to farm in a liberal manner ; therefore there is less labour employed on such estates than there should be.

(S.S.S. 246).—Where estates are heavily burdened, as many are, the management is against the development and prosperity of agriculture, from the fact that they are unable to equip them. They are either let as " led " farms or let under conditions which allow the tenant to take the most out of them with such equipment as is available regardless of the permanent good of the farm.

PEEBLES AND SELKIRK (S.S.S. 157).—A great many estates about here are burdened by debt. Present lairds are in many cases too poor to put out money on the farms; so that steadings, etc., fall into disrepair. This tells against the prosperity and development of agriculture.

ROXBURGHSHIRE (S.S.S. 63).— Estate is one in point. Houses and buildings on the farms are simply kept up and that is all. Where a cottage which would be readily rented falls into disrepair and becomes uninhabitable, it is allowed to lie in ruins.

(S.S.S. 68).—The fact of estates being heavily burdened is very prejudicial to agriculture. This is particularly glaring in this neighbourhood, and in the case of the — Estate for example, recently sold—buildings were in many cases in ruins—fences and drains in bad order, and a tenant wishing to farm well and improve his land was heavily handicapped.

Heavily burdened estates prevail in this district, and their development is undoubtedly retarded owing to this.

(S.S.S. 72).—Estates that are heavily burdened in this district act prejudicially to the development of agriculture. Steadings and cottages are neglected and allowed to fall into disrepair; in many cases labourers' cottages are hardly fit for pigs to live in owing to damp and fungus rot. After the steadings and cottages get beyond repair, the farm is then put down in grass and let as grass parks, doing away with the farm servants; who go to swell the labour market in the towns or in many cases emigrate to the Canadian prairies.

WIGTOWNSHIRE (S.S.S. 389).—Although willing, the proprietors in these circumstances (i.e., where the estates are heavily burdened) in this locality have not a sufficient margin to expend on their estates to execute the necessary repairs on houses and drains.

(S.S.S. 290).—Primogeniture burdens agriculture very much. When——, the proprietor on this estate died, money was borrowed; and the estate was and is helpless as regards helping agriculture, especially in the way of housing. I mean mainly as regards farm steadings and workmen's houses. For instance, the dairyman's house on — farm has only three rooms to hold twelve of a family. The roof is ready to fall and the walls rotten. The youngest child is very ill with tubercular joints caused by the old house. Other cottages on — farm require great repairs. The house at——was vacated and when the new tenant entered and had his furniture into the house, he and his wife could scarcely get inside.

STIRLINGSHIRE (S.S.S. 393).—This is undoubtedly the great drawback to farming: that most of the landlords here are so poor and their estates so bonded that they can spend no money on their farms, and as a natural result the tenants take all they can out of the land without putting anything back in return.

(S.S.S. 356).—It has always been a matter of difficulty to get landlords to spend money on building cottages on the farms. Most of the borrowed money spent on the estate in this district was generally spent in extending their own houses, and when these estates come into the market to be sold, it is now the large mansion houses which are unsaleable. Well-equipped farms sell readily and make full prices, while great mansions erected at very large expenditure are not saleable at a fraction of their original cost.

(S.S.S. 401).—The entail laws decidedly militate against the proper care and development of farms. On estates coming under entail, less money undoubtedly is spent by the proprietor in repairing buildings and fences and in draining. This applies also to mortgaged estates, but there are few examples of the latter in this locality.

PERTSHIRE (S.S.S. 531).—It is a common saying which I have heard from heirs of entail that "It will last my time," meaning where the heir of entail has not a son, that he would be foolish to spend money on an estate which must go to another, not necessarily a very near relative, still less a child, and even where there are children the father, while holding the estates must make provision out of them for the younger children, seeing the eldest takes the whole heritable estates. There is frequently an exaggerated idea of the big share the eldest son will get, even in impoverished estates. If, for example, a man with two sons and two daughters could leave his estates in equal shares to the two sons with annuities from each to each daughter, he would have a greater incentive to make these estates valuable by making permanent improvements, and he could do so in no way better than by providing a sufficiency of good houses.

Want of money in a landlord invariably means an impoverished estate and the practice or pursuit of agriculture under the worst conditions.

(S.S.S. 106).—Where proprietors do not have sufficient means, estates go down, and farm buildings and other equipments are allowed to decay.

FIFESHIRE (S.S.S. 212).—When the proprietor is hard up, from whatever cause, agriculture does suffer from want of adequate buildings.

Section IV.—EVIDENCE FROM OTHER ENQUIRIES, ETC.

Evidence was obtained in other enquiries also, as to the evil effects on agriculture resulting from the inability of owners to maintain equipment and perform the other "duties" required in respect of the land. The Royal Commission on Agriculture (Cd. 8,540, 1898, p. 121) for example, found that the existing depression in agriculture was aggravated by

"the very general practice of mortgaging land. When land is mortgaged to an extent which leaves in bad times a greatly reduced margin of rent to the owner after satisfying, with other burdens, the interest due to the mortgagee, then the owner obviously cannot discharge those 'duties' to the land upon the due performance of which the landlord and tenant system is based. Unfortunately, during prosperous times landowners borrowed and investors lent very largely on mortgage of land, land being then regarded as the most safe and improving security for the vast industrial and commercial savings of the country. The subsequent fall in rents converted in many cases the mortgaged owner into little more than a rent collector for the mortgagee."

Mr. James Hope, Assistant Commissioner as regards the counties of Perth, Fife, Forfar, and Aberdeen (Royal Commission on Agriculture, C. 7,342, 1894, p. 18.) reported :

"The present reduced rental of landlords has so much encroached upon their available resources that for a considerable number of years past there has not been that continual and systematic execution of works for the improvement and development of their properties that characterised the period between 1850 and 1870. From information furnished to me works upon several estates embraced within the area upon which I am now reporting have been carried on pretty steadily and large sums of money have been spent by proprietors on drainage, buildings, fencing, etc., but upon the great majority of estates these works have been discontinued mainly, if not solely, owing to the want of available capital to carry them out."

Many critics of rural industry fail to realise how much the problem of under-production to-day is due to the inadequate equipment, and the poor management of rural estates.

It is common knowledge that if the worst farmers could be made to adopt the methods and style of farming of the best

farmers, the total productivity of the land could be increased enormously.

What is not so often perceived is that the same may be said about estate management.

We are convinced that if the worst landlords could provide drainage, housing, fencing, etc., as is provided on the best managed estates, the productivity of the soil would be increased to an extent as great as can be done by any action on the part of the tenants under present conditions.

CHAPTER V.

HOLDINGS AND FARMING.

Section I.—DEMAND FOR HOLDINGS.

IN strong contrast to this rural decay stands the fact that in every part of the country there exists an unsatisfied demand for farms and holdings. It is, however, a general experience that the demand is smaller than it was ten or twenty years ago, owing to the emigration within recent years of men who were desirous of obtaining holdings in Scotland, but, being unable to get them, were compelled to emigrate. A leading agriculturist, with a large experience of south-west Scotland, reports :

Ten years ago I could have guaranteed to have obtained 1,000 tenants for properly cultivated farms of fifty to a hundred acres in Ayrshire alone, and the quality of the tenants both in respect of efficiency and capital, would not have been lower than those occupying farms of the same description. Canada, however, has made a big draw on these resources. That is to say, Canada has taken the farmers' sons, the ploughmen, and the rural worker in large numbers. There is yet, however, a very large number competing whenever a desirable farm is in the market, and I am of opinion that 500 good tenants could be found at once if small farms were available. Many Ayrshire farmers who make money on their farms, go to a larger farm in some other county, but the farmer's son, the ploughman, and the rural worker have not the capital to do so, and their outlet at present is Canada or some of the other Colonies.

Something similar as to the reduction in the number of applicants applies to most of the rural areas, the rural exodus having been so great. It is remarked generally, also, that the number of applicants for any vacant holding or farm is

much greater in the case of small farms than in the case of the larger holdings, though it is the general experience that there are in general many applicants for them all. The number of men who are in a position to occupy a small holding is obviously much larger as a rule than in the case of a large farm, which entails a much greater outlay on stock, etc.

The following reports from different centres are typical of what is reported from every parish practically in Scotland :

ABERDEENSHIRE.—There is always keen competition when a holding is vacant ; and the supply is not sufficient for the demand.

If a few well equipped small holdings were made available, it would go a great distance to check the tide of emigration—the first condition wanted.

AYRSHIRE.—The supply is not sufficient ; keen competition exists, consequently increasing rents are obtained here for small farms of about 120 acres.

BANFFSHIRE.—Demand not met by supply ; keen competition. Over thirty made application for one let a few months ago. Twelve to twenty-four applicants might be counted when a small farm is offered.

BERWICKSHIRE.—Small farms are in demand here. There is a feeling here that not less than 100 acres is necessary to enable a man to farm with any chance of doing much good for himself having regard to our methods of farming in this district.

ELGINSHIRE.—Farms are always in demand regardless of equipment.

DUMFRIES-SHIRE.—Great demand for small farms. Supply not equal to demand.

INVERNESS-SHIRE.—Were 100 holdings offered at economic rents with security of tenure, they would all be taken up. There are several men in the parish prepared to go on to unreclaimed land and to provide all they want, provided the rents they would have to pay will represent the real value of the land, and that they get security of tenure and the right to assign and freedom from rating on improvements. There is more than sufficient land at present under cultivation and under grass which, if redistributed, would supply the present demand. At present there are two classes of holdings : (1) those which are much too large, and (2) those which are much too small. The former are producing much less than their potential maximum. Outside the land at present under cultivation and grass, there is a large area of good land which should be reclaimed.

KIRKCUDBRIGHTSHIRE (S.S.S. 44).—When a farm up to seventy or 120 acres (one half of it rough ground for grazing) is in the market, there are many applicants, and in most cases too much rent is given.

Difficult to say the precise number which would be taken up if available, but there is generally a rush for such farms at excessive rents.

(S.S.S. 49).—There are generally fifteen to twenty suitable parties applying for a small farm when it is vacant, and the farms are in not a few cases let above their real value in consequence.

LANARKSHIRE (S.S.S. 51).—There is a good demand for good farms about 150 to 200 acres.

In our neighbourhood, good wages are paid to miners, etc., and the desire for small farms is not great, unless the farm is of a sufficient size to maintain a family in as comfortable circumstances as the workers.

MIDLOTHIAN (S.S.S. 154).—Whenever a farm becomes vacant there are a great many offers for it, and frequently at an increased rent.

PEEBLES AND SELKIRK (S.S.S. 258).—When———was to let recently, —— had about a dozen offers for it, and I am sure it was gone over by fifty parties. There were 100 acres arable and fifty-six acres of hill pasture. Farms or small holdings in this district should be big enough to keep a pair of horses in work.

A good many farms of at least 100 acres would be taken up.

ROSS AND CROMARTY (S.S.S. 179).—Holdings are much in demand. Supply not equal to demand.

There would be no difficulty in getting experienced tenants for a large number.

RENFREWSHIRE (S.S.S. 274).—Mostly dairy farms sending in milk to Glasgow that are in active demand. The competition is very keen, especially for farms about a hundred acres.

The better class of farm servants would take small farms readily. As it is at present a large proportion of the farms in the district are being farmed by men who have followed the plough, and if the farms were smaller, I think there would be many more.

SUTHERLANDSHIRE (S.S.S. 283).—Holdings of various sizes with outruns are much in demand.

A good number of holdings would be readily taken up; but it must be kept in mind that emigration has drained away very large numbers of the men who would otherwise be available for holdings here.

A holding here was vacant a short time ago and fifty-two applications were received from people in the district.

WIGTOWNSHIRE (S.S.S. 185).—There is a good demand for large farms and plenty of suitable applicants, when a farm is in the market. There is an undoubted demand on the part of high-class working men (who by frugality and good conduct have, after many years, saved sufficient money) to become tenants of farms known as "pair of horse farms," and I think that it is a proper ambition on the part of these men, and good alike for themselves and their families, and likely to benefit the State if such farms could be increased in number extending to from seventy to a hundred acres each of fair arable land.

STIRLINGSHIRE (S.S.S. 93).—There is not a sufficient supply to satisfy the present demand for the simple reason that a great number of farms of the above size (fifty to eighty acres) were joined to larger ones. One farm in this district is made up of no less than six such small farms, with the result that a large acreage is laid down in grass and one shepherd does the work of what used to keep five families. This year there is a great demand for nice-sized farms. One farm I know of about 120 acres, and forty offers have been made for it. There is no doubt at all, if small well-equipped farms are in a market, there are plenty of offers.

(S.S.S. 95).—There is not a sufficient number in the market to satisfy requirements. This is more especially the case in the neighbourhood of populous towns, where dairy produce is sold at a good price.

FIFESHIRE (S.S.S. 110).—Small dairy farms are much in demand.

If there were more it would encourage thrift amongst our ploughmen by putting something within their reach, as small farms at present are generally too dear.

In view of the very great and rapid increase of population caused by the establishment of the Naval Base and the rapid developments of the coal fields, and the probable introduction of many new industries, almost all the land in the district can be profitably used for dairy farming, small holdings, and market gardens.

PERTSHIRE (S.S.P. 322).—The smaller class of farms that can be worked by a man and his family are most in demand in this district and have two or three times the number of offerers that the larger farms have. There is a demand for farms and holdings from about as many men as there are ploughmen or shepherds who are middle-aged married men, and have saved enough capital to give them some hope of succeeding.

I should say a very good size of farm here would be 80 acres. This size would give plenty of work for a pair of horses and allow for a farm servant or grieve who has a bit of money laid past to get a beginning.

When a farm is to let in the district, we have men from all over Scotland offering for it. There are always twelve or more wanting it and only one can get it, and so rents tend to increase here.

KINCARDINESHIRE (S.S.S. 240).—I never knew of any farm whatever its size remaining vacant. There is competition here for farms of all sizes.

ROXBURGHSHIRE (S.S.S. 163).—There is not a sufficient supply. When a farm of 100 or 150 acres is in the market, it is the regular experience for the landlord to receive a score of offers.

A fine tract of land of 400 acres in this locality at present is let as grass parks, which is admirably adapted for the creation of a group of small holdings. The land lies alongside the highway and is within a mile or two of a railway station, and would respond to intensive cultivation. In this same neighbourhood, on another estate, a large acreage has also been laid down in pasture, and a third estate is now entirely given over to grass. On these three places employment is now practically reduced to a solitary shepherd in each case.

Near the village there is a demand for holdings of 3 to 10 or 20 acres.

Small farms when vacant are so greatly sought after that the rent is usually put up to a high figure per acre, and so in consequence not very much can be made out of them.

Section II.—GENERAL CONDITION OF FARMING.

A main reason for this keen demand for farms from competent agriculturists in Scotland is the high degree of efficiency in farming attained by so many of the rural population.

Farming in many localities in Scotland has reached a very high standard of development, and Scottish farmers have been the pioneers in some of the most noted developments of farming in Ireland, the Colonies, and elsewhere.

In the development of dairy farming, the growing of oats, early potatoes, stock raising, feeding beef cattle, etc., Scottish farmers have achieved notable results.

They deservedly enjoy a high reputation among agriculturists everywhere.

But while there are many excellent farmers and some land producing what is probably its maximum product, there are many farmers who work their land in a much less satisfactory fashion, carry a much less productive stock, and obtain a very

much small return per acre from the land which they farm. As was well expressed in *The Times*, in the series of articles entitled: "A Pilgrimage of British Farming" (October 31st, 1910):

In every district we have visited we found good and bad farmers close together, men who are earning good incomes one side of the hedge, and on the other men who are always in difficulties, who in many cases are only kept going through the tolerance of their landlords.

And again (December 30th, 1912):

Bad business habits and slipshod management are far too common, and nothing is more surprising than the way bad farming exists alongside good.

Various general causes conducive to bad farming and under production—such as lack of equipment, and failure to maintain so much of the land in its proper productive condition, etc.—have been already indicated; but, at the present time, a general improvement in the average of the stock carried by the large majority of farms would seem to hold the promise of profitable results. There are in Scotland some of the best herds in the world, and a considerable trade exists in the purchases made from these herds for stock-raising purposes in the Argentine, Canada, etc.; but there are also a very great number of indifferent herds, just as there are, close to farms the most highly cultivated in the world, great areas that are very indifferently cultivated. Other general causes will be considered in subsequent chapters, when the question of remedies for under-production will be further examined.

No investigation of Scottish agriculture can fail to take notice of the very excellent work of Scottish farmers achieved under conditions which are often by no means very favourable. Their reputation as among the best agriculturists in the world has not been won undeservedly; and this makes it the more to be regretted that in so many cases men of such admirable qualities are unable to get reasonable opportunities for the adequate exercise of these qualities, especially when there is so much derelict (and semi-derelict) land in their midst.

Section III.—NUMBER OF HOLDINGS.

The number of holdings of the various sizes in the different counties of Scotland is as follows:

NUMBER OF AGRICULTURAL HOLDINGS in each of the undermentioned CLASSES, as returned on the 4th JUNE, 1912, in each County of Scotland, with the PERCENTAGE of Holdings above 1 acre and not exceeding 50 acres to the TOTAL NUMBER and the AVERAGE SIZE of HOLDINGS. [Cd. 6966, 1913, and Cd. 6896, 1913.]

County.	Above 1 and not exceeding 5 acres.	Above 5 and not exceeding 15 acres.	Above 15 and not exceeding 30 acres.	Above 30 and not exceeding 50 acres.	Above 50 and not exceeding 100 acres.	Above 100 and not exceeding 150 acres.	Above 150 and not exceeding 300 acres.	Above 300 acres.	Total.	Average size of Holdings.	Population engaged in Agriculture in 1911.
Aberdeen	1,358	2,739	1,334	1,220	2,247	1,039	852	183	10,952	57.3	24,780
Argyll ..	1,095	713	460	296	332	146	162	49	3,263	40.2	7,676
Ayr ..	318	890	254	267	730	664	624	79	3,326	96.3	10,842
Banff ..	604	863	453	373	610	270	184	26	3,335	47.3	6,632
Berwick ..	160	100	61	46	76	63	152	245	906	211.3	5,147
Bute ..	84	140	126	71	57	37	34	7	556	45.7	1,488
Caithness ..	590	1,020	443	369	266	70	101	68	2,746	40.0	4,874
Clackmannan ..	44	39	23	6	24	35	85	6	204	76.1	542
Dumbarton ..	114	94	64	54	119	108	86	10	649	75.4	2,359
Dumfries ..	503	48.0	235	159	383	299	478	159	2,696	93.5	7,572
Elgin or Moray ..	345	391	186	177	296	133	149	38	1,715	57.7	4,890
Fife ..	400	343	175	113	260	233	449	226	2,199	113.1	8,315
Forfar ..	403	504	506	133	396	264	449	182	2,587	95.8	9,705
Glasgow ..	81	66	40	21	38	87	101	169	653	201.7	6,186
Inverness ..	2,787	3,960	3,960	1,400	2,899	86	145	32	7,999	20.5	11,652
Kincardine ..	160	347	159	140	334	184	212	37	1,582	75.3	4,605
Kirkcubright ..	36	44	16	16	45	80	82	22	291	119.1	840
Lanark ..	222	273	148	104	239	166	338	164	1,654	115.1	4,870
Linlithgow ..	291	440	296	266	636	477	427	76	2,933	85.3	10,708
Midlothian ..	47	60	40	37	81	106	105	30	513	112.7	2,029
Midlothian ..	168	151	103	86	123	112	193	111	1,017	122.2	6,684
Na hri ..	37	54	44	41	88	36	43	4	317	73.0	1,093
Orkney ..	448	959	931	600	320	68	67	29	3,522	32.6	6,197
Peebles ..	31	46	33	15	20	31	83	57	325	153.8	1,346
Perth ..	884	676	312	310	788	600	577	166	4,103	90.0	12,004
Renfrew ..	104	183	108	106	249	174	143	18	1,684	81.7	4,230
Rose and Cromarty ..	3,483	2,931	2,931	1,061	2,277	103	137	86	6,967	20.1	10,738
South Ayrshire ..	257	290	94	79	116	69	186	504	1,967	141.0	5,124
South Ayrshire ..	89	49	30	12	21	15	27	54	231	125.6	983
South Ayrshire ..	793	2,021	593	97	40	21	9	6	3,550	14.3	4,515
Stirling ..	178	197	186	186	261	233	165	30	1,502	76.3	4,233
South Ayrshire ..	1,498	776	144	144	44	18	27	9	2,544	12.3	3,306
W. Lothian ..	204	191	113	80	204	130	244	180	1,349	116.6	5,335

Section IV.—VARIED CONDITIONS OF FARMING.

As regards agriculture generally, Scotland presents considerable differences in different localities. Throughout the large area of the Highlands there are smallholders or crofters with small arable land, and, as a rule, sharing in common a considerable stretch of hill land for pasture. There are also, in these districts, large farms (very frequently sheep farms) in the hilly districts; and along the east coast—especially in Easter Ross—many excellent large arable farms. South of the Moray Firth—in Banffshire and Aberdeenshire in particular—there are also very many smallholders and many larger farms. The excellent quality of the arable farming in the Laigh of Moray is as well recognised as the excellence of the black-polled Aberdeen-Angus cattle. Throughout the district the farmers are much interested in feeding cattle, turnips and oat straw being largely used in wintering; and some of the best of what is known in London as “Scotch Beef” comes from Aberdeenshire. Aberdeenshire also has some of the best herds of shorthorns. In Kincardineshire and Forfarshire, Fife, etc., there is a larger proportion of large farms, and the business of feeding cattle is a highly-organised industry. The farms in the Carse of Gowrie are famous, and perhaps too little credit has been given to the excellence of much of Fifeshire’s farming. South of the Forth, the wonderful grain-producing farms of the Lothians—the “Fat farms of Haddington,” as Stevenson has described them—are one of the most remarkable areas in Great Britain. East Lothian, like Ayrshire, is famous for its potatoes. Roxburghshire and Berwickshire have large sheep farms, but the prevalence of “led farms” and the accompanying results of the very wide application of the policy of merging farms, give over large parts of these areas a dilapidated and under-developed appearance. In the south-west of Scotland the dairying industry is highly developed, Ayrshire having obtained a reputation in this respect unrivalled in Great Britain; and, further south, the Stewartry vies with Somersetshire for supremacy in the making of Cheddar cheese. In the neigh-

bourhood of the industrial areas of the Clyde, dairy farming is also highly developed, and the fruit-growing in the upper valley of the Clyde enjoys as high repute as the well-known raspberry-growing of Blairgowrie.

Throughout Scotland there is an enormous diversity of methods. In the Island of Lewis, for example, one finds methods of cultivation that are, perhaps, the most primitive in Great Britain. The island is thickly populated, the usual difficulties of the occupation of the land are accentuated by the appearance of the "squatter"; and, in many instances, the people have great difficulty in raising crops from most precarious soil. On the sides of the rocky hills you will discover patches of cultivated land bearing excellent crops of potatoes, when all around the patch of land is nothing but the bare rock; the soil, in some instances, is carried in creels, is placed on the rock, and worked up in most laborious fashion. The system of "lazy bed" cultivation, possibly the most primitive system in Great Britain, is in operation in that and other Hebridean Islands. A problem in Scottish agriculture is to make more of the land in the Islands available for these smallholders and landless or to secure them access to the labour markets in the south of Scotland, where there is a complaint of a shortage of agricultural labour.

In contrast to this the highly developed system of grain growing in the Lothians has already been commented on, and the farms of the Dunbar and Girvan potato-growing industry, and of the dairying industry in Ayrshire, are matters of common knowledge. Since the days when Ayrshire dairy farmers, for example, undertook the task of resuscitating Essex, there has been no want of admirers of their agricultural methods. Speaking at Huntingdon on November 5th, 1913, the President of the Board of Agriculture pointed out that in Scotland were the best milking cows in the country: "a system had brought about perfection in Scotland. Milk recording societies had been formed by which bad milkers were eliminated."

CHAPTER VI

SMALL HOLDINGS.

Section I.—GENERAL.

No question in rural economy excites greater interest than that of small holdings. Throughout Scotland we find the demand for them, strong and unsatisfied. It is the case that in the Lowland Counties one finds it very commonly asserted that farms of about 100 acres are more in demand, but as a general rule, when any small holding is to let there are many applicants for it even in these districts. In the Highland area where small holdings form a larger portion of the total holdings, the demand is particularly strong. The question of the area available for grazing is frequently an important factor.

The experience of the Board of Agriculture for Scotland in regard to the size of holdings for which they receive applications should be noticed. Over five hundred persons have asked for holdings under 10 acres in extent, and about the same number for areas between 10 and 25 acres. About 50 per cent. of the whole desire holdings of over 25 acres; many have stated no area at all. (First Report of Board of Agriculture for Scotland, Cd. 6,757, 1913, p. 12). The Board of Agriculture continue :

Generally speaking, in the Outer Hebrides the applicants are of three classes, viz :—

(1) The fisherman, who wants only from five to eight acres arable ground, with twenty to thirty acres rough pasture or outrun—or a share in a common hill—sufficient for summering two cows and ten to fifteen sheep, and for raising crops for wintering the stock and potatoes for the family. The fisherman earns his living from the sea, and the croft is subsidiary to the fishing.

(2) The crofter, who looks to the land for his mainstay in earning a livelihood, and who brings in some subsidiary occupation to help. Thus in Barra herring-fishing is the subsidiary occupation of the crofter, while in South Uist it is the kelp and tangle industry. The holding which the crofter requires runs from ten to thirty acres arable ground with up to 100 acres outran or share in a common hill—sufficient to carry one or two Highland ponies, four to six cows and followers, with twenty to thirty sheep.

(3) The existing landholder, whose holding is too small and who applies for an enlargement of it.

On the mainland, in the northern districts where crofting townships exist, applicants ask for holdings with from five to twenty acres of arable land, and pasture for from forty to 200 sheep; but in non-crofting districts their demands are usually for places of from 25 to 50 acres of arable land with pasture in addition. In the South of Scotland two types of holding are wanted, the one sufficient to keep a pair of horses in work, and the other round about ten acres. The former will occupy the whole time of the holder and his family, while the latter are wanted (1) by those who have some regular employment and only require a "home" with sufficient land to keep one or two cows and some pigs and poultry, and (2) by others who wish to utilise the ground for market gardening. Several persons in the South have also applied for purely pastoral land for sheep rearing.

We find it a matter of remark in many localities that there is a change of opinion in regard to the question of small holdings. Thirty or forty years ago the belief was widely held that the typical small holding was bound to disappear shortly. It was thought that as the standard of living improved, as education became more generally spread, as the practice increased of dealing in wholesale fashion with things generally, the disappearance of small holdings was a matter merely of years. This view has been very much modified. Many large farmers, for example, who were previously opposed to the policy of establishing and assisting small holders, are now often in its favour. The difficulty of obtaining labour has brought home to them the value of small holdings as the best source of the supply of agricultural workers. For the purpose of intensive agriculture and generally for raising the maximum product from land, it is now perceived that small holdings are specially suitable. On national grounds, as the source of

raising a large rural population, their value is everywhere recognised.

We find also that in many districts small holdings of even a few acres are much desired by men who engage in other occupations. It may be that the total produce raised from their holding is not much, but it provides them with a better home. They generally have a cow and some poultry; they grow vegetables, potatoes, etc.; they have the produce of their gardens; they may have a few sheep and pigs. As a rule, it is on the produce of the cow and the sale of the calves that they depend mainly for the return from their labours as small holders. As they say locally in some districts they have the "Stirk for the rent and the cow for their labour." Even if the holding is not self-supporting, its importance in adding substantially to the comfort of the home in such cases cannot be over-estimated. In some parts of the country, however, there are small holders in the occupation of holdings which are much too small.

There is an unsatisfied demand also on the part of many villagers for a field or two in the neighbourhood of their village.

In addition to the policy of merging farms, which has been responsible for the disappearance of many small holdings in the past, the decay of rural industries has also been a contributory cause. In former days many colonies of small holdings in Scotland were closely associated with home crafts, such as hand-loom weaving, or with local industries such as quarrying, yarn bleaching, fishing, etc. In many areas the decline in these rural crafts and rural industries has undoubtedly precipitated the policy of merging small holdings.

Speaking generally, the large majority of the existing small holdings were created by the ancestors of the present holders or by others several generations ago. Agriculture was then, much more than it is now, the leading, almost the only industry throughout the largest part of the country, and the inhabitants had no other choice than to make their living as well as they could by cultivating the land. Their labour, as a rule, was their only asset, and the rough unreclaimed land, covered with moss and heather was the material immediately ready

to their hand. The small men squatted upon it, paying but a nominal rent and, commencing to till it, gained a precarious living by extremely hard labour. By degrees they brought this rough land into cultivation, raised good crops upon it, and built themselves dwellings of a sort. Then, by further steps, frequently with some assistance also from the landlords, they built better buildings and attained a greater degree of comfort. But the main part of the wealth applied in the reclamation of the soil, etc., came from the labour of the smallholders. This labour, of course, was not assessed at any money value, nor were records, as a rule, kept of it. By amalgamation of holdings created in this way, a very large number (probably most) of the present large farms were made.

Section II.—A COUNTY OF SMALL HOLDERS.

Aberdeenshire is a county of small holders. The following are the totals of the number of holdings of different sizes within the county. It is a northerly county, and enjoys fewer advantages from climate, etc., than the more southern counties with which it is compared here. For the purpose of contrast, the similar details for the County of Haddington, of such high agricultural repute, are set beside them :

COUNTY.	Above 1 and not exceeding 5 acres.	Above 5 and not exceeding 15 acres.	Above 15 and not exceeding 30 acres.	Above 30 and not exceeding 50 acres.	Above 1 and not exceeding 50 acres.		Above 50 and not exceeding 100 acres.	Above 100 and not exceeding 150 acres.	Above 150 and not exceeding 300 acres.	Above 300 acres.	Total.	Average size of holdings (acres).	Number employed in agriculture.
					No.	Proportion to total.							
Aberdeen	1,358	2,731	1,334	1,220	6,651	60·73	2,247	1,039	882	133	10,951	57·3	24,780
Haddington	81	66	40	21	208	37·01	38	37	101	169	553	301·9	5,185

COUNTY HAVING MOST ARABLE ACRES IN SCOTLAND,
MOST CATTLE, HORSES, ETC.

There is no other county in Scotland which has so many holdings as Aberdeenshire. The County of Inverness is the nearest rival, with a total number of 7,299 holdings against Aberdeenshire's 10,952; but Inverness-shire has an area that is more than twice as large as Aberdeenshire, is a crofter county, and includes the populous islands of Skye, Barra, North and South Uist. And directly connected with its numerous holdings and its large rural population is Aberdeenshire's great agricultural wealth, a great number of cattle and horses, and a wide area under oats, turnips, and the other principal crops.

In the extent of its fields of oats and turnips, its herds of cattle and its number of horses, the position of Aberdeenshire is the first among the counties of Scotland. It is a case of Aberdeenshire first and no other county near it. The extent of its area under oats is 190,042 acres; that under turnips is 86,683 acres; that in rye-grass, and other rotation grasses and clover, 274,413 acres, and the number of its horses is 31,610, and the number of its cattle is 171,722 (Cd. 6966, 1913, p. 28).

These are all totals which are not equalled, which are not nearly approached in any other county of Scotland. For example, no other Scottish county has a total area under oats in excess of 50,000 acres, with the single exception of Perthshire, which claims 65,824 acres.

It is the same with the other figures quoted above. In the matter of turnips, for example, the nearest approach to the total in Aberdeen is by the county of Forfar, which reaches 31,820 acres in comparison with the 86,683 acres which is the figure in Aberdeenshire; and as regards cattle, the nearest approach to the 171,722 in Aberdeenshire is the 106,983 in Ayrshire—a dairy county, whereas Aberdeenshire is largely a beef county. In the number of horses, Perthshire comes second to Aberdeenshire, with a total of 13,047, which is to be set against the 31,610 in Aberdeenshire.

A COUNTY FARMED BY TENANTS.

The county of Aberdeen has the largest number of arable acres of any county (save only Lincoln and Norfolk) in Great Britain. The whole area of the county is 1,261,521 acres, of which 583,938 are arable land and 43,980 acres are in permanent grass. Only a very small portion of this acreage is occupied by owners; nearly the whole of it being in the occupation of tenants.

The percentage of acreage of land under crops and grass occupied by owners in Aberdeenshire is 6.71 (Cd. 6021, 1912). This is much smaller than the percentage in the large majority of the Scottish counties. For example the percentage of the total acreage occupied by owners is as high as 29.79 in Kinross; it is 17.98 in the County of Fife; 17.91 in Perthshire and for the whole of Scotland the average is as high as 11.76. But in the County of Aberdeen it is only 6.71. Aberdeenshire is thus a long way below the average for the whole of Scotland in the proportion of its agricultural land which is in the occupation of owners. It is a county where the land is worked by tenants, and there is no county throughout the length and breadth of Scotland where the industry of agriculture is pursued so intensively or with greater diligence. It is not to his proprietorship of the soil that the success of the Aberdeenshire small holder can be traced, for he is not a proprietor, but a tenant.

Section III.—COMPARISON OF ABERDEENSHIRE WITH BERWICKSHIRE, ROXBURGHSHIRE AND MID-LOTHIAN.

It is instructive to compare Aberdeenshire, the principal Scottish county of small holders, and the three counties of large arable farms in the south-east of Scotland—Berwick, Roxburgh and Midlothian.

The average size of holdings* in Aberdeenshire is 57.3 acres; in Berwickshire it is 211.3 acres; in Roxburgh it is 141.0 acres; and in Midlothian it is 122.2 acres.

* Cd. 6906, 1913.

Year 1912	Number of agricultural holdings				Area of holdings above 300 acres (1913)	Total area of cultivated land
	1 to 50 acres	50 to 100 acres	100 to 300 acres	Above 300 acres		
Aberdeen	6,651	2,247	1,921	133	49,257	627,918
Berwick, Midlothian, and Roxburgh	1,535	318	777	560	299,497	494,287
Year 1911.	Number of farmers including women and grieves and foremen				Total persons employed over 20.	Reduction of males over 20 employed from 1861. to 1911
	Sons, etc., of farmers working on farms over 20	Labourers and shepherds over 20	Labourers and shepherds under 20			
Aberdeen	1,318	6,754	3,933	17,050	21 %.	
Berwick, Midlothian, and Roxburgh	323	6,134	1,840	8,768	29 %.	

The table on the preceding page shows how large is the population maintained on the soil by small holdings in comparison with large farms

The excess is most noted in the number of the farmers and their sons.

It appears from these figures, that Aberdeen, with a cultivated area only 25 per cent. more than the three south-eastern counties, has nearly four times the number of farmers and bailiffs. The total number of persons employed on its land is almost twice as large.

These south-eastern counties enjoy the advantage of a more southerly position and an excellent situation for selling their produce to some of the best markets in the country, *e.g.*, to the manufacturing cities of the South of Scotland and the North of England; whereas Aberdeenshire is a north-eastern county, located at a long distance from the principal manufacturing centres of Scotland and England.

But in spite of all these natural disadvantages Aberdeenshire, the county of the small holders, has surpassed all others in Scotland.

INCREASE OF ARABLE LAND IN ABERDEENSHIRE.

In Aberdeenshire there has been an increase of arable land since 1871. The figures are: 1871 arable, 548,000 acres; pasture, 31,000 acres; 1881 arable, 572,000 acres; pasture, 27,000 acres; 1912, arable land, 584,000 acres; pasture, 44,000 acres. This shows an *increase* of arable land between 1871 and 1912 amounting to 36,000 acres.

In the three south-eastern counties of large farms—Berwick, Roxburgh and Midlothian—there has been a decrease in arable land over the same period. The figures are: 380,000 acres, 1871; 385,000 acres, 1881; 374,000 acres, 1901; 337,000 acres, 1907; and 333,000 acres in 1912. This shows a *decrease* of arable land between 1871 and 1907 amounting to 47,000 acres.

The following tables repay observation. The figures tell their own story :

ROXBURGH, BERWICK AND MIDLOTHIAN.

Year	1861		1881		1901		1911	
Male Persons Employed in Agriculture.	Over 20	Under 20	Over 20	Under 20	Over 20	Under 20	Over 20	Under 20
Farmers -	1,790	—	1,500	—	1,580	—	1,491	9
(Women farmers)	(90)	—	(80)	—	(85)	—	(113)	—
Sons, etc., of farmers -	400	200	360	150	380	170	322	121
Bailiffs -	550	—	500	—	650	—	705	3
Shepherds -	1,210	180	1,190	160	1,190	150	1,174	134
Labourers -	8,302	2,668	6,016	2,546	4,431	1,941	4,963	1,706
Total males	12,252	3,048	9,566	2,856	8,231	2,261	8,655	1,973

Year	1871	1881	1901	1912
Arable land - - acres	380,000	385,300	374,000	333,152
Permanent pasture - "	111,200	124,100	132,000	161,135
Total cultivated area -	491,200	509,400	506,000	494,287

Number of farms in 1912 : Roxburgh, 1,267 ; average 141.0 acres. Berwick, 906 ; average 211.3 acres. Midlothian, 1,017 ; average 122.2 acres.

Year	Cows	Other Cattle	Sheep	Horses
1881 . . .	18,700	33,600	945,000	13,900
1901 . . .	19,000	35,700	1,050,700	14,100
1907 . . .	19,300	35,170	1,060,200	13,950
1912 . . .	18,789	35,937	1,005,628	14,357

ABERDEENSHIRE.

Year	1861		1881		1901		1911	
MALE PERSONS EMPLOYED IN AGRICULTURE	Over 20	Under 20	Over 20	Under 20	Over 20	Under 20	Over 20	Under 20
Farmers -	8,730	—	7,680	—	7,022	—	7,040	18
(Women Farmers) -	(980)	—	(900)	—	(1,038)	—	(810)	—
Sons, &c. of Farmers -	1,410	790	1,510	800	1,680	1,030	1,318	882
Bailiffs -	430	—	350	—	690	—	1,128	32
Shepherds -	200	120	330	50	410	50	407	46
Labourers -	10,040	5,571	8,503	5,064	7,260	4,459	6,347	3,942
Total Males -	20,810	6,481	18,373	5,914	17,062	5,539	16,240	4,920

	1871	1881	1901	1912
Arable land - . . . acres	548,300	572,500	597,300	583,938
" under corn "	(212,400)	(212,400)	(214,300)	(212,052)
Permanent pasture "	31,200	27,400	33,000	43,980
Total cultivated area	579,500	599,900	630,000	627,918

Number of farms in 1912, 10,952; average, 57·3 acres.

Year	Cows	Other Cattle	Sheep	Horses
1881 - . . .	41,300	110,800	137,600	26,800
1901 - . . .	44,310	136,600	226,600	30,700
1907 - . . .	43,000	124,000	246,000	31,600
1912 - . . .	43,350	128,382	223,680	31,610

CHAPTER VII.

THE CROFTERS ACTS.

THE Crofters Acts and their extension in the Small Land-Holders Act of 1911 are of chief importance in the efforts made by legislation to deal with the small holdings question.

Section I.—GENERAL.

For many years there was bitter agrarian trouble in the Highlands of Scotland; and strife between landlords and tenants. Tenants complained of evictions which drove them out of the homes which they themselves, in the main, had built, and from land which they, or their ancestors, had reclaimed, levelled, drained, fenced, etc., and they contended that the more labour they expended upon improving their holdings and their homes the more certainly were their rents raised and the more certain was it that, if they did not pay these enhanced rents, some ambitious or covetous neighbours, desirous of enjoying the benefits of these labours, would do so. In addition, there were the ordinary grievances regarding evictions for personal, political, religious, etc., opinions. It should be noted that the background of all this was the historic Highland clearances which under the guise of feudal law drove the Clansmen from the glens and straths with the outlying grazings which they had possessed from time immemorial, and dumped them down on the scraggy seashore.

The landlords, on their side, complained with equal bitterness that they and their agents were badly treated, and that their rents were not paid.

In the result, suspicions and fears (real and imagined) prevailed; all the parties concerned were dissatisfied; all of them had grievances; the labour of the people was not utilised;

the land was not developed, and the most energetic of the population escaped to the colonies and to the towns.

To remedy this state of affairs, the Crofters Act of 1886 was passed. It first of all gave conditional fixity of tenure. It also set up the Crofters Commission of three members with power to fix fair rents in the case of crofts that were held on a yearly tenancy at a rent not exceeding £30 a year, periodically to revise such rents, to deal with claims for compensation, etc., and to authorise the resumption of the land by the landlord subject to such compensation as the Commission might determine. The Act gave the Crofter two of the well-known "Three F's," of Irish land legislation, namely, Fixity of Tenure and "Fair Rents." The third of the "Irish F's"—"Free sale"—was not conferred; it was expressly excluded by the provisions of the Act, and this is a difference of the first importance. Also (a smaller, though very important, difference) in Ireland power was given to appeal against the decisions of the Court fixing fair rents. It was everywhere agreed that this power of appeal was enormously misused in Ireland, and in the words of the Report of the Morley Committee of 1894: "It entails grievous delays, it protracts uncertainty, it imposes heavy costs oppressive to a humble class of suitors, it necessitates expenditure out of all proportion to the practical result." In the Scottish Act this power of appeal was not given.

Section II.—RESULTS OF THE ACT.

The principal results of this Act of 1886 in Scotland have been :

REMOVAL OF SENSE OF INJUSTICE.

1. The removal of the sense of injustice as between landlord and tenant. Both parties knew they could now bring their grievances before the Crofters Commission, and its decisions were everywhere respected. Good feeling was established between landlord and tenant, and the latter no longer went about in fear and trembling lest for the expression of certain opinions he might be evicted from his holding.

No body of tenants and no body of landlords demand its abolition, and no political candidate in the Highland counties suggests that it should be abolished. It is accepted throughout the crofter area as an enormous improvement on the previous conditions.

REDUCTION OF RENTS.

2. Though rents have been reduced considerably by the Crofters Commission (*see*, for example, p. 84), the reduced rents have been better paid than before. They are "judicial rents," and proceedings against the tenant in case of non-payment are simple; but the tenants everywhere accept these rents as fair, and pay them promptly. Before the passing of the Act the arrears in the payment of the rents was very large. The reductions made in the rents, however, are probably not so large as the reductions made in the rents of farms in the same localities (*see* p. 85).

In fixing the fair rent, the Commission had regard to the money and labour that the landlord and the tenant respectively have applied to the holding, and had regard also to the economic value of the holding.

HOUSING.

3. Great improvements have been effected in dwelling houses, steadings, and in the cultivation of the land. No result has been more surprising than the improvements in dwelling houses made by even the poorest crofters in the most poverty-stricken parts of the country. Having gained security of tenure and security for improvements, they have promptly made improvements; so that a new source of wealth—that commanded by these tenants—has been brought to the land.

No similar improvement is shown in the houses of small holders in those same districts who did not obtain the benefits of the Act of 1886.

The following details relate to a few of the Western Islands (by no means the richest districts of the Highlands) and are typical of what has taken place throughout the whole of the Highland area.

NEW DWELLING-HOUSES ERECTED BY CROFTERS IN THE ISLAND
DISTRICTS OF THE COUNTY OF INVERNESS SINCE THE CROFTER
ACT CAME INTO FORCE.

District	Total number of holdings	New dwelling- houses erected.	Percent- age of whole	Remarks.
Skye -	2,106 (2,599)	885	42 (34)	Including 24 in new settlements
Harris -	411 (453)	161	39 (35)	Including 28 in new settlements
North Uist	428 (466)	215	50 (46)	Including 66 in new settlements
South Uist	753 (791)	210	28 (26)	Including 1 in new settlements.
Barra -	279 (360)	109	39 (30)	Including 52 in new settlements.
Total -	3,977 (4,669)	1,580	40 (33)	Including 171 in new settlements.

In addition to above and not included in the figures, there are at present forty-eight houses in course of erection in those districts.

(Signed) J. WEDDERSPOON, C.E.
Chief Sanitary Officer.

The Castle, Inverness,
19th, September, 1907.

Even if the cost of an average one of these new dwellings is taken at as low a figure as £100, the total value of the new dwelling-houses is £158,000. In addition to these new houses within this same area there have been many other structural improvements in the old houses; some have been lengthened, and others have had the walls raised, and new roofs put on,

* The figures within brackets are Government Returns.

so that altogether, the total sum * spent by the crofters in improving their dwelling-houses has been much in excess of the sum mentioned.

These figures relate only to a small portion of the Highlands, and to the period of twenty years following 1886; and it is stated by most competent and reliable witnesses throughout the Highlands that the value thus added by the tenants has been enormously in excess of the improvements of a similar nature, made during the twenty years preceding the passing of the Act.

This result is interesting, for it shows to what extent the poorest tenants can make improvements on their holdings if only they are given reasonable security. The comparative failure of the proprietors to make improvements on the large scale since achieved by the tenants was due, very often, less to the absence of desire for improvements on the part of the proprietors than to want of the power to give it effect. They did not possess the necessary capital.

This same process of improvement has gone on throughout the Highlands, and value far in excess of what the landlords brought previously to the land has been added to the soil.

Section III.—IMPROVEMENT IN HOUSING AND STEADINGS.

With reference to the nature and the extent of the improvements made in housing and in farm buildings since the passing of the Act of 1886, the following are typical reports from localities which were within the operation of the Act. The figures of the cost of the buildings as a rule exclude any allowance in respect of labour done in connection with the building by the smallholders. By carting, labouring, etc., the smallholders generally do a large amount of the work.

* This increase in value does not appear in the Valuation Roll, as the County Assessors enter crofts, including houses, in the Roll at the fair rent fixed by the Crofters Commission, the crofters being thus free from being rated on their own improvements. Many feuars in Highland villages are very conscious of this difference, for they frequently discover a neighbouring crofter with a dwelling-house infinitely better than their own, paying only a fraction of the rates which they themselves are required to pay.

ARGYLLSHIRE (S.S. 24).—One-third of the crofters in this district have built new houses since the passing of the Crofters Act. In addition, most of the crofters have erected barns and other buildings on their crofts; the barns being estimated at a cost of about £30 each, and dwelling-houses at about £130.

CAITHNESS-SHIRE (S.S. 39).—The Crofters Act has decidedly improved the housing of crofters throughout Caithness; Existing houses have been very much improved.

(S.S. 41).—A great number of new houses have been erected here and many more repaired, all at the crofters' own expense: cost of dwelling-house and steading on an average about £300.

INVERNESS-SHIRE (S.S.S. 35).—It is quite apparent to everyone living in this parish that great improvements in houses have been brought about. Many of the crofters have built new houses; the old houses being converted into barns and byres.

(S.S.S. 37).—There is hardly a croft in this district where houses and steadings have not been considerably improved, and the process of further improvement goes on without ceasing. The outlay varies from £60 to £150. New houses have been built on eight crofts here: the value varies from £180 to £250.

INVERNESS (S.S. 48).—About eighteen new houses have been built in this neighbourhood, the value of which is about £2,500. An equal number at least of barns and byres have been built at an average of £40 or say to the value of £700. There has also been improvements of existing houses during the same period. In some cases the proprietor assisted to repair or rebuild the houses.

(S.S. 49).—There are between forty and fifty new houses built in this locality of the value of from £90 to £160, and in a few cases, including house and steading up to £300, and a great many of these people are the descendants of families who were very heavily rack-rented before, and they certainly would not have been on the land to-day but for the Crofters Act. There has also been great improvements made in existing houses.

(S.S. 51).—A marked improvement in all or mostly all existing houses, etc., on the crofts in this parish has taken place during the period since 1836.

(S.S. 52).—At the time of the passing of the Crofters Act, crofters' houses here were in most cases insanitary shanties. In

many cases the cattle lived in one end of the dwelling-house. Houses where this is the case nowadays are very rarely met with in this parish. Since the passing of the Crofters Act, as many as 80 per cent. of the people concerned have built new houses and in all cases the dwelling-houses have been considerably improved. The value of the improvements in the houses ranges from £50 to £150 each.

(S.S. 53).—Some twenty-five new houses have been built by crofters in this district at an average cost of about £130 each, and about forty houses improved all over, such as having new roofs and slate substituted for thatch, and estimated at a total value of £2,400.

(S.S. 54).—Approximately eighty new houses have been built at an estimated cost of from £150 to £200. Many others have been repaired substantially at a cost perhaps averaging from £50 to £60.

(S.S. 55).—Six new houses and steadings have been built by crofters here since 1886, of the estimated value of £1,396. In addition improvements have been made on four crofts to the estimated value of £280. This work is still in progress.

ROSS AND CROMARTY (S.S. 73).—About twenty-five new houses have been built by crofters in this district alone. Estimated value of each is £170–£200. The number of new steadings would be less, say fifteen.

About twenty houses have been improved. The estimated value in each case is about £50.

SUTHERLANDSHIRE (S.S. 81).—Two-thirds of the houses in this parish have been improved since the passing of the Crofters Act, 1886, and two-thirds of the steadings are new since that date, the average value of dwelling-houses, £80 to £100; steadings, £30 to £50.

(S.S. 84).—I would say, roughly about 400 new houses of the average value of £300 (the steadings included). Under the security given by the Crofters Act of 1886, mostly all the thatched houses have been pulled down and slated houses put in their place.

(S.S. 86).—Generally speaking, 50 per cent. of the crofters' houses have been rebuilt, and the process is still going on, so that in another ten years a thatched roof may be a rarity. The houses, I should say, average in value £150.

Section IV.—IMPROVEMENTS IN CULTIVATION AND STOCK.

With regard to the similar question of the improvement in the cultivation of the crofts and in the stock, in many parishes there has been improvement, though this has not been as notable as in the matter of improved housing. As regards the question of improvements in cultivation, the following are typical examples from individual parishes. Speaking generally, the stock undoubtedly shows considerable improvement, and in very many cases, especially in the less congested districts, it has been possible to adopt the normal rotation where formerly, owing to the congestion, the land was cropped continuously.

ARGYLLSHIRE (S.S. 21).—A quite noticeable improvement has taken place in this parish; in fact it may be said that the crofts are twice as valuable as before 1886.

(S.S. 22).—The improvement in the cultivation of the crofts here has been notable, and is a great advance during the period since 1886.

(S.S. 24).—The cultivation in this district has noticeably improved during the last twenty years.

(S.S. 28).—There has been a marked improvement of late years in the appearance and cultivation of the crofts around here.

(S.S. 34).—The few crofts that exist here could scarcely be better cultivated.

(S.S. 35).—Very much improved; in fact the best crops in the parish are now grown by crofters. Owing to the poor and insufficient nature of the pasture given to crofters in this district, they are severely handicapped in eking out a bare existence. A considerable extension of pasture at a fair rent and also more arable land where available would prove a godsend to this community.

CAITHNESS-SHIRE (S.S. 39).—There is a very decided improvement here and to a very great extent.

INVERNESS-SHIRE (S.S.S. 34).—SKYE; much improvement, but not the extent it ought to have been. There is, however, a growing tendency to cultivate better.

(S.S.S. 37).—Cultivation has greatly improved here. The improvements would be much more rapid if the holdings were large enough to allow of the crofter devoting his whole time to his croft.

(S.S. 50).—Undoubtedly more intelligence is being brought to bear upon the land and even implements are being modernised ; there is a lack, however, in this district of sufficient land to allow of a rotation of crops.

(S.S. 51).—Where the crofts are sufficiently large here, the occupiers are enabled to adopt the improved "shift" system and so give part of the land an annual rest from continual cropping. This practice has acted in a noticeable manner towards the crop-producing value of the land. Many of the crofts here are so small in extent that the occupier cannot afford to lay out any part of the arable land under grass.

(S.S. 52).—The cultivation of the crofts in this parish during the last twenty years has gradually but perceptibly improved. The crofters have recognised the benefits which accrue from the careful cultivation of their land.

(S.S. 55).—On the whole, there has been decided improvement. In this district it is largely a matter of individual taste, energy, and skill. Where the occupier is elderly, cultivation usually follows the old routine and newer methods are looked upon with disfavour. The younger generation of crofters however, are following a more enterprising and enlightened policy. They attend courses and lectures within the district on agricultural subjects, such as cropping, manuring, poultry-keeping, etc., and the effects of these are slowly showing themselves in an improved style of cultivation, a better class of stock, more regard to tidiness in field and steading, and a general, all-round advance which becomes more perceptible year by year.

ORKNEY (S.S.S. 180).—In some cases the cultivation of the crofts has considerably improved by drainage and manuring of the land ; but in other cases too little attention has been given to the actual farming of the crofts.

ROSS AND CROMARTY (S.S.S. 81).—The improvement has been very noticeable in many instances in this parish.

(S.S.S. 77).—There is a very marked improvement in the cultivation of the crofts, as well as in the stock of horses, cattle and sheep ; not many sheep are kept on crofts, however.

(S.S.S. 78).—The cultivation of crofts and small holdings is excellent; the small holder in this district cultivates his holding better than the large farmer.

SUTHERLANDSHIRE (S.S. 80).—There is a noticeable improvement on the whole in this locality but it is not general for this reason. The crofts are small—£3 rent on an average—and do not keep the crofters occupied all the year round. They must turn to something else to supplement the produce of their crofts, so that their attention and energies are divided between crofting and fishing neither of which gets the justice it ought to get. Those who give their whole time to their crofts have raised their value considerably within the last twenty years.

(S.S. 81).—They are worked more scientifically and in better rotation now in this locality and more interest is taken in improving them generally.

(S.S. 83).—Decided improvements in this district. Even with the small crofts an effort is made to introduce the rotation system; and grass and clover now form part of each holding. So long, however, as crofts are of such small acreage, justice cannot be given to the land. The smallholders cannot afford to let their land lie sufficiently long under grass to recuperate.

Section V.—IMPROVEMENTS IN DRAINS, FENCES, ROADS, ETC.

As regards improvements on crofts in the form of drains, fences, roads, etc., made since 1886, we find that much more has been done in some districts than in others. There is, on the whole, however, very considerable improvement of this nature.

ARGYLLSHIRE (S.S. 22).—Very marked improvement in the direction indicated has taken place in this district owing to fixity of tenure.

(S.S. 25).—All the crofter's land is well-drained; the most of them also have their land fenced at their own expense.

(S.S.S. 309).—Improvements in the equipment of the land, etc., have been made. As a class, the crofters are thrifty, industrious, frugal and orderly; and the crofts are tidy, well-drained and fenced. Under great difficulties, it is truly wonderful the progress made by them, for they are invariably perched upon heights or on

the least productive land. The more I see of these crofters the more convinced I am that there should be extension of the small holding system.

INVERNESS-SHIRE (S.S.S. 38).—Little improvement has been made by the crofters of the Long Island, so far as draining their land is concerned. The erecting of fences and the making of roads are such expensive undertakings as to be completely beyond the reach of the crofters of this district. Any work which requires money cannot be undertaken by the crofters of this district because of their straitened circumstances.

ORKNEY (S.S.S. 60).—The more industrious of the crofters have brought their holdings into good condition by drainage. Once they recognised that fixity of tenure was assured them, they set themselves towards improvements of the land. In exceedingly few crofts in this district, however, have permanent fences been erected. The roads leading to the crofts are often in a wretched condition.

CAITHNESS-SHIRE (S.S. 411).—Much improvement in fencing, draining, ditching, roads, etc., has been made by them in this locality.

INVERNESS-SHIRE (S.S. 249).—Very great improvements here of this nature, and having fixity of tenure the crofters are now glad to make improvements.

(S.S. 51).—A considerable improvement has been taking place in fencing crofts with the assistance of the Congested Districts Board, but there has been no perceptible improvement in the equipment of the land by drains and roads in this district.

Many applications have been made to the County Council for the construction of more croft roads but the applications have been refused on the ground that so many applications have been made for croft roads that the Council cannot entertain them, the rating for roads being already very large.

(S.S. 52).—Extensive improvements involving a great amount of labour and expense have been executed by crofters on their crofts, in this district. Places which were formerly swamps have been drained and made into arable land. Where new houses have been built the owners have invariably made a road from them leading to the main road.

By co-operation all the crofting townships have been able to erect a wire fence between their arable land and their common pasture. This has materially improved the position of crofters.

(S.S. 54).—Work of this kind is done by the crofters to a very great extent in this parish.

(S.S. 55).—Roads have not been greatly improved, but a good deal of draining has been done as well as fencing, and in one crofting area in this parish the introduction of a water supply was a much needed reform.

ROSS AND CROMARTY (S.S. 76).—Very considerable improvements have been made in all these respects (drains, fences, roads).

(S.S. 77).—The improvements in draining, fencing, etc., have, as a rule been done by the crofters in this district, the landlord in some cases supplying tiles.

(S.S. 78).—The crofters have in most cases drained and fenced their land.

(S.S. 79).—A good deal of these improvements, drains, fences, etc., have been made by crofters in recent years.

SUTHERLANDSHIRE (S.S. 128).—Considerable improvements of this nature have been made here, especially in the form of roads and fences. Township roads to the value of about £600 have been constructed by the crofters within the last twenty-five years with the help of £100 from the estate and a grant from the Congested Districts Board. The stock has been very much improved; both sheep and cattle, although the liking for mongrel cattle (a mixture of Polled and Highland) seems to die hard.

(S.S. 262).—A steady advance in improvements has been going on in the form of drains, fences, roads, etc.

(S.S. 381).—Since security of tenure was obtained a great improvement has taken place in the way of fencing, and draining their holdings.

This work has been carried out by themselves without any aid from the proprietor. Each man's holding is now fenced in as a rule and properly drained.

(S.S. 267).—Great improvements have been made on all the crofts in this district; which at present are giving what is perhaps their maximum output.

(S.S. 87).—Many crofts in this district have been fenced and drained in a much better manner.

Section VI.—REDUCTION OF RENTS UNDER CROFTERS ACTS.

In their Final Report the Crofters Commission record that 22,111 applicants for fair rents have been dealt with, and reductions made amounting to £22,000 annually, with the cancelling of £124,825 of arrears out of a total of £186,110.

Regarding these reductions of rent it should be noticed

that the rents of neighbouring large farms fell generally during the same period to as great or even greater extent in the areas concerned. The following from Inverness-shire is typical :

(S.S.S. 35).—There has been a very marked reduction of rent in this parish during the last twenty years.

— Farm twenty years ago was rented between £600 and £700 ; to-day it appears on the valuation roll a little over £300. It extends to some 10,000 acres.

— Farm used to be £160 ; now £80.

— Farm used to be £230 ; now £115.

— Farm used to be £230 ; now £100.

— Farm used to be £330 ; now £118.

The farm of —, with 10,000 acres, is only yielding a rent of £300, whereas the crofting township of —, which marches with it, and has only an acreage of 1,100, yields a rental of £112.

In the — Farm there are many outlays when a new lease is created, whereas on the crofting township there is not a stob for a fence or anything else done by the estate without charging for it.

(S.S.S. 37).—The tendency in both cases [i.e., as regards rent and capital value] has been downwards. The following are typical illustrations :

RENTAL OF FARMS (NOT UNDER CROFTERS ACTS).

Farm				1887	1894	1899	1914
				£	£	£ s. d.	£ s. d.
1	..	..	..	120	120	100 11 0	90 15 3
2	..	..	..	134	115	100 4 0	100 11 0
3	..	..	..	100	75	67 15 6	68 1 0
4	..	..	..	337	—	—	211 6 9

NOTE.—The areas are the same now as they were in 1887 and intervening years.

The selling values of land have fallen about 30 per cent. here.

(S.S.S. 34).—The crofters' rents have been reduced by the Land Court on an average 35 per cent. in this locality, while the large sheep farms have been reduced as the leases fall out from 50 per cent. to 70 per cent. during the past twenty-five years.

		1882.	1912.
The farm of —	- - -	£1,250	£419
" —	- - -	£1,800	£540
" —	- - -	£1,575	£720

These are only instances ; all the sheep farms are reduced in somewhat similar proportion.

It is certain however that, without the interposition of the judicial body to secure the fixing of fair rents for the small holders, these small holders' rents would not have been reduced in the manner in which they have been reduced ; owing mainly to the keen competition which has existed for small holdings. The economic causes which produced the fall of rents on the larger holdings would not, of themselves, have done so in the case of the small holdings. So many small holders engage in other work, and have earnings from other sources than agriculture.

We have made much investigation regarding this and find that these uneconomic rents for smallholdings have been paid largely in the past by earnings from other employment and by assistance from the smallholder's family. Rents were accordingly paid for smallholdings out of all proportion to the economic value of the land as an agricultural holding (*see also Section VII., Chapter VIII.*).

Section VII.—IMPROVEMENT IN THE SPIRIT, AMBITION, ETC., OF THE PEOPLE.

From a large amount of information obtained showing a great improvement in the spirit and in the ambition, as well as in the immediate material condition of the crofters during the past twenty years we have room only for one typical instance :

The condition of the island of Tiree, where there was no industry save agriculture and stock raising, fairly exemplified the working of the Crofters Act [says the Rev. Malcolm MacCallum]. Before the passing of the Crofters' Act the people got the name of being lazy and sluggish ; they lived in hovels, squalor and poverty, sometimes mitigated by charitable collections sent from Glasgow. To-day there was probably no parish in the Lowlands of Scotland in which the agricultural workers were so well housed and well-to-do. That prosperity was the result of the people's own exertions under the protecting wing of the Crofters Acts. The character of the islanders had been changed. They had become keen and ambitious. Though far from central schools, wonderful results were obtained. I have before me, for example, the names and addresses of thirty-six clergymen and eight missionaries, natives of Tiree, holding office in the churches in Scotland at

this moment; five medical graduates, seventeen Board School teachers, forty ship officers, including twenty-one shipmasters, all in active service. The list is not exhaustive, and does not include names of many men from the Island who have achieved success in commerce. (The population is about 2,000).

The removal of the fear of arbitrary eviction has inspired the people with greater spirit, and a stronger initiative. They have greater independence and a stronger incentive to work.

Section VIII.—EVIDENCE FROM OTHER ENQUIRIES.

Similar results were found by the Royal Commission (Highlands and Islands, 1892). (C. 7681, 1895.) In their Report the Commissioners with unanimity gave this testimony:

We deem it right to place on record the result of our observations as to the effect of the Crofters Holdings (Scotland) Act, 1886 (49 & 50 Vic. c. 29). Our inspections of land throughout the counties mentioned, brought us into immediate proximity with many crofting townships, as well as with the individual holdings of many crofters, and accordingly we derived materials for judgment from a very large portion of the crofting area. Our opinion is that, speaking generally, the Act has had a beneficial effect, and particularly in the following directions. In the first place, the fixing of a fair rent has, to a large extent, removed from the minds of crofters the sense of hardship arising from the belief that they were made to pay rent on their own improvements, or otherwise made to pay at an excessive rate for soil of a poor quality. In the second place the combination of a fair rent with statutory security of tenure has not only taken away or allayed causes of discontent, but has imparted a new spirit to crofters, and imbued them with fresh energy. The abiding sense produced that the permanent improvements which a crofter makes upon his holding will, if he complies with certain reasonable statutory conditions, accrue either to himself or to his family successor, will not be taxable by the landlord in the form of increased rent, and, moreover, will have a money value under a claim for compensation on renunciation of tenancy or removal from his holding, has led to vigorous efforts towards improvement by crofters in many quarters. For instance, we found that more attention is being paid to cultivation, to rotation of crops, to reclamation of outruns, to fencing, and to the formation or repair of township roads; but most conspicuous of all the effects perceptible is that upon buildings, including both dwelling-houses and steadings. In a considerable number of localities we found new and improved houses and steadings erected by the crofters themselves since the passing of the Act.

In their final Report (Cd. 6788, 1912), the Crofters Commission place the following statement on record :

We may be asked, in conclusion, if we leave the Highland crofter in a better position than we found him. We have no hesitation in answering that question in the affirmative.

No doubt we did not accomplish all that was expected of us, but our powers under the Act, had their limits. We had no power for instance, to form new holdings, where such might be required, nor to thin congested districts by migrating the surplus population to new holdings elsewhere.

As regards enlargement of holdings, our powers were also limited. Enlargements of holdings which we were bound to refuse might have been granted if we had the power to make compensation in respect of material damage to the letting value of the remainder of a farm.

The reductions of rent which we found it our duty to make were in many cases substantial. In many instances the existing rent was to a material extent placed on improvements made by the tenant or his predecessors in the same family. In fixing a fair rent, the value of such improvements was excluded unless the landlord had purchased them or given the tenant a fair equivalent. In cases where the reduction was small in amount, it must not be forgotten that even a small reduction is of importance in a district where the circulation of money is not large.

But perhaps the most important improvements calling for notice have resulted from the security of tenure which the Act confers on the crofter. True, there have been no wholesale clearances of townships for upwards of thirty years, but nevertheless the tenant from year to year had formerly no security of tenure and no legal right to compensation for permanent improvements. Consequently the improvements on many estates were few in number and of a minor character. The Crofters Act changed all that, and as a result the black hovels in which too many of the people lived are now passing away, and have been largely replaced by smart, tidy cottages that would do credit to any part of the country.

Anyone acquainted with the housing conditions in the rural districts of the West Coast and Islands twenty-five to thirty years ago, and who revisited these districts to-day, could scarcely realise the improvement that has taken place. But let it not be supposed that these improvements are effected from the produce of the crofts. The crofter sends his sons and daughters to the large cities of the south and to the Colonies, and if they prosper there they are mindful of, and dutiful to, their parents at home. They are the source from which the money now invested in stone and lime comes, for they desire to see their parents enjoy greater

comforts, and they know that so long as the statutory conditions are observed their parents cannot be removed.

An improvement has also taken place in many districts in the methods of cultivation, but there is much still to be desired in that respect. One circumstance which forms a deterrent to improved cultivation is the system of promiscuous grazing of stock over the arable land of the township during the winter season. This system prevents the crofter from sowing grass seeds to advantage and cultivating his holding according to the rules of good husbandry.

CHAPTER VIII.

THE SMALL LANDHOLDERS ACT, 1911.

Section I.—GENERAL.

THIS Act applies to small holdings in Scotland : *i.e.*, to all agricultural holdings of a rent not exceeding £50 without limit to extent, or not exceeding 50 acres without limit to rent. In its main provisions it is a codification and extension of the Crofters Acts. The holdings to be included under it are: (1) Crofters' holdings under the Act of 1886, *i.e.*, Crofts in certain Highland counties which in 1886 were let from year to year at a rent not exceeding £30; (2) Small holdings anywhere in Scotland other than crofts, whether let upon lease or by the year where the tenant has provided or paid for the whole or the greater part of the buildings and other permanent improvements: (3) similar holdings where the whole or the greater part of the buildings and other permanent improvements have been provided by the landlord; and (4) new holdings constituted under the Act, either by voluntary agreement with the proprietor or by compulsory order by the Land Court. The tenants of Class (1), (2) and (4) are called under the Act "Landholders" in place of "Crofters." Class (3) are known as "Statutory Small Tenants." Class (1) become "Landholders" at the commencement of the Act as do also the tenants of Class (2), where the tenancy is a yearly one; while the leaseholders under Class (2) become "Landholders" on the expiry of their Lease, and the tenants of Class (4) from the date of registration as new holders. The Statutory Small Tenant embraced in Class (3) is to be determined by rent and acreage as above mentioned as at the commencement of the Act,

and after that the holding of a Statutory Small Tenant cannot be merged in or amalgamated with any other holding. A person who becomes a yearly tenant or leaseholder after the commencement of the Act (except in the case of the constitution of a new holding under the Act) does not become a landholder unless where the landlord agrees that the tenant should apply to the Land Court to be registered as a new holder. The Land Court created under the Act fixes a fair rent for the "Landholder," and an equitable rent for the "Statutory Small Tenant." Subject to certain conditions, such as punctual payment of rent, etc., both are given what is popularly known as "fixity of tenure."

The essential difference between the landholder and the statutory small tenant is, that whereas the landholder has to make all his own repairs, the rent of the land being fixed on that basis, the statutory small tenant is entitled to have proper and necessary repairs made by the proprietor, failing which he can apply to the Land Court to be declared a landholder. Where a statutory small tenant makes such an application and the proprietor is not agreeable to have him declared a landholder, the Land Court will usually specify a period within which the proper and necessary repairs should be made and failing such completion the tenant will become a landholder and be in the position to make the repairs himself. Except where the landlord satisfies the Land Court that there is reasonable ground of objection to a statutory small tenant, the tenant is entitled to a renewal of his tenancy; and failing agreement, either the landlord or the tenant can apply to the Court to fix an equitable rent or the period for which the tenancy is to be renewed.

Other differences are (1) The landholder has simply a yearly term with the right of renewal at his option. He may go away any year. The statutory small tenant may be bound for any period of years that may be agreed upon which the Land Court may think reasonable; (2) the landholder's rent, in the ordinary case, is subject to revision every seven years; the statutory small tenant's rent only at the expiry of the agreed-upon term; and (3) the rent is "a fair rent" for the

landholder, "an equitable rent" for the statutory small tenant.

In fixing these rents the Court has regard to a fair return for his labour to the tenant, as well as to the rent which the holding would command in the open market.

It should be noticed that in the case of the landholder, whether he is an existing holder or a new one, the rent is for the land alone; thus a rent of £50 represents a larger holding than it would if it covered buildings and improvements.

It is open to all parties to contract for a lease outside the Act, but if this is done without the concurrence of the Land Court, a tenant so holding does not secure fixity of tenure.

Section II.—SMALL HOLDINGS UNDER THE SMALL LANDHOLDERS (SCOTLAND) ACT, 1911.

Under the Small Landholders (Scotland) Act, 1911, a Board of Agriculture for Scotland was set up. One of its main purposes was the constitution of new landholders' holdings, the enlargement of landholders' holdings, and the improvement and rebuilding of dwelling houses and other buildings of landholders.

For these purposes, among others, the Board has an annual income of about £206,000. The Board commenced work as from 1st April, 1912, and for the period between then and 31st December, 1913, 4,744 persons applied for new holdings, and 3,338 tenants asked for enlargement of their existing holdings, making a total of 8,132. The majority of the applications came from the Crofting counties. Applications for new holdings were from Inverness, 1,193; Ross and Cromarty, 1,014; Argyll, 739; Caithness, 244; Sutherland, 197; Shetland, 275; with the exception of Lanarkshire, where the number was 178, the applications from each of the other counties of Scotland were under 100 in number. For enlargements of holdings there were applications from Inverness, 997; Shetland, 557; Sutherland, 384; Argyll, 290; Caithness, 248.

From the period from 1st April, 1912, to 31st December,

1912, over 500 persons asked for holdings under 10 acres in extent, and about the same number for areas between 10 and 25 acres; about 50 per cent. of the whole desired holdings of over 25 acres. Many stated no area at all.

The Board report that a large proportion of the applications were from men of good character, with adequate experience of the working of land and the management of stock. Many of them were farm servants who had saved enough money to justify them in applying for holdings. Of the total of 3,370 applicants till December, 1912, 46 stated their capital to be over £600; 78, between £400 and £600; 97, £300 to £400; 196, £200 to £300; 509, £100 to £200; and 744, £50 to £100.

New holdings may be constituted in two ways: (1) by voluntary agreement between the landlord and tenant; (2) by compulsory order of the Land Court.

By Section 7 (16) of the Act, tenants of farms under leases current at Whitsunday, 1906, in the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney and Shetland; and leases current at Whitsunday, 1911, in the remainder of Scotland cannot be disturbed for the purpose of being divided up into small holdings; neither can farms not exceeding 150 acres, or under £80 in rent, be taken for that purpose except by agreement; while "home" farms, policy or pleasure grounds, woodlands and grass parks, held for the purposes of a business not primarily agricultural or pastoral, are also out of the compulsory provisions of the Act.

The Board found that a large number of farms desired by applicants fell under one or other of the exceptions above specified, and they also found that suitable land while not protected as above was held under new leases which would, if they were taken by the Board for dividing into smallholdings, entail substantial compensation being paid by the Board to the tenants in possession. As the Board point out, the more expensive the compensation in individual cases the smaller the number of persons whose applications could be satisfied out of their limited funds. In addition, while the Board were in process of making inquiries respecting farms, these have, in some cases, been let by the owners on new leases, and in

certain of these cases it is not clear that this was not done for the purpose of frustrating the operation of the Act.

In their second Report the Board state that the Small Holdings Commissioner up to 31st December, 1913, had recommended the Board to make 658 new holdings and 438 enlargements. In addition, other applications were under negotiation.

As a matter of fact, however, up to December, 1913, only 116 new holdings and 98 enlargements had been actually allocated to applicants; and there is much complaint from applicants at the slow progress.

As regards the comparatively large number of applications from the crofting counties and the limited number of applications from the Southern counties, the Board of Agriculture state in their first Report that :

The present evidence of the desire for holdings in the South of Scotland cannot be reckoned as a reliable indication of the probable future demand. In the crofting counties since 1886 the full privileges of fixity of tenure and of fair rent have been well known, and the people, understanding their opportunities from experience, immediately pressed their claims upon the Board. There is reason to believe that when the benefits conferred by the Act are through experience of its operation fully understood in the southern counties there will be an increasing and steady demand from them.

We have found, throughout these Lowland counties, that there is a demand far in excess of what has yet been expressed in actual applications.

There has been some outcry over the delay in dealing with applications for holdings.

In some cases the applicants have been interviewed and examined with regard to their practical knowledge; to the assistance which they might expect from their family in the working of the holding, and to the capital which they could command. After this stage has been reached, nothing further in many instances had been done to supply the smallholdings.

In the cases mentioned the applicants were men with practical knowledge and capital, and with a keen desire for settlement on the land. They have expressed great disappointment at the failure to supply them with land.

In some cases the land desired by the applicants was held under existing leases or else the sitting tenant was desirous of renewing his lease. Clearly (except in cases of "led" farms, etc.) the first desire is to make new smallholdings on farms where the sitting tenant is not renewing his lease.

As already stated new holdings can only be created either by voluntary agreement with the proprietor or by compulsory order by the Land Court. It is not competent for a person desiring a holding (if the proprietor does not agree) to apply himself to the Land Court; he must make application to the Board of Agriculture, who, in turn, if satisfied, bring the matter before the Land Court. An applicant for a holding is therefore practically entirely in the hands of the Board of Agriculture, which body (through pressure of work, etc.) may not be able to deal with the matter for some time.

In other cases there are many men with practical knowledge and with all necessary qualifications for success as smallholders whose applications cannot be entertained by the Board on account of the want of capital of the applicants for the purpose of stocking and working holdings; and it is pointed out by many people that, in order to counteract the stream of emigration, the poor, but otherwise suitable applicant should be enabled to take a new holding with the assistance (where necessary) of loans for stock, etc., advanced by credit organisations, the setting up of which is so important that initial assistance should be given, if necessary, by the Government. More will be said regarding this later on.

A practical comment respecting this demand, however, is that until the cases of applicants who are adequately endowed with money and experience have been disposed of, there is not so strong a case for considering those others. Though we make this practical comment, in passing, we do not consider that it disposes of the difficulty and we shall deal with it in the Section on Agricultural Credit facilities (Chap. XVI Sec. V)

In their First Report the Board state that:

"The number of practicable proposals which are at present before the Board leads them to believe that the limit to the number

of smallholdings which can be created will be determined by the resources of the Agricultural (Scotland) Fund."

With the sum at their disposal the Board are more or less unable to pay compensation (in accordance with the provisions of the Act) to tenants for taking their farms for division into smallholdings. This has the effect of very substantially limiting the supply of immediately available land. On the other hand there are many farms where sitting tenants do not desire to renew leases.

We recognise the various difficulties involved in this question of compensation. A main object of the Act is to secure the creation and equipment of new smallholdings and to devote to this actual work as much of the available money as possible. From this point of view it is undesirable to divert money to large compensation claims.

As the equipment of holdings (the provision of buildings, etc.) is a capital expenditure, we consider that the Board of Agriculture should have increased financial resources at their disposal, the funds might be provided by the issue of a special land stock redeemable as the loans are repaid. As regards financial assistance in stocking, a system of co-operative credit appears necessary. The State need not find the capital required for this, but possibly such societies will not be set going without some sort of assistance by the State (*see* Section on Agricultural Credit Facilities).

Section III.—THE LANDHOLDER.

The Scottish Land Court which was constituted by Section 3 of the Small Landholders (Scotland) Act, 1911, entered on its duties on the 1st April, 1912. It superseded the Crofters Commission, which administered the Crofters Acts from 25th June, 1886, to 31st March, 1912.

Under the Act of 1911 the main provisions of the Crofters Act apply to the whole of Scotland, while the rent limit is increased from £30 to £50, with the exception of Lewis so far as in Ross and Cromarty, where it remains at £30. The term "Crofter" is superseded by the term "Landholder."

As already indicated there are several classes of persons who may become small holders under the Act: (1) Crofters holding at 1st April, 1912 (called "existing crofters"); (2) Yearly tenants holding at that date; (3) Tenants holding on lease at that date; (4) New holders. All existing crofters became landholders on 1st April, 1912: tenants in respect of new holdings become landholders from the date of registration of their holdings.

A tenant from year to year, if the whole or the greater part of the buildings and permanent improvements have been provided by himself or his predecessors in the same family without payment or fair consideration from the landlord, is described as an "Existing yearly tenant," and may at once be registered as a landholder. A tenant on lease on the same condition is described as a "Qualified Leaseholder" and may be registered as a landholder on the termination of his lease.

Where the landlord has provided the whole or the greater part of the buildings and permanent improvements, a yearly tenant or a tenant on lease cannot become a landholder, but he becomes instead a "Statutory Small Tenant."

The chief advantages to a landholder are that fixity of tenure and fair rent are ensured, provided he pays his rent at the terms when it is due; that he does not become bankrupt; that he does not attempt to assign his holding or to sub-let a part of it (subject to his right to assign with the consent of the Land Court where he is unable to work his holding through illness, old age or infirmity); that he does not cease to cultivate it, and does not cause persistent dilapidation to the buildings or deterioration to the soil. He must not persistently break any legal written agreement made with the landlord or obstruct the landlord in the exercise of his rights, such as quarrying, etc. He must not open a public-house on the holding without the landlord's consent. • If he breaks any of these conditions he may be removed from his holding. He may, however, have a shop on his holding or carry on another business, such, for example, as a joiner, mason, etc.,

so long as his duties in regard to the land are properly performed.

He may use his holding for carrying on some subsidiary occupation ; he may let his house to holiday visitors ; and the term " cultivate " is taken in a wide sense so as to include the use of a holding for gardening, the keeping of live stock, poultry or bees, and the growth of fruit, vegetables, etc.

Not more than one person can be registered in respect of one holding ; and no person can be registered as a new holder in respect of land belonging to more than one landlord, or in respect of more than one holding.

The landlord may resume the holding or part of it into his own hands when the Land Court is satisfied that he desires to do so for some reasonable purpose. In this case he is to make compensation to the landholder either by letting to him other land of equivalent value in the neighbourhood, or by reduction of rent, or by payment of money or otherwise as the Land Court shall determine.

Subject, however, to these conditions, the landholder has a secure tenure. He, on the other hand, may at any term of Whitsunday or Martinmas give up his holding at a year's notice. He may leave his holding by will to a member of his family, and if he dies intestate it descends to his heir-at-law. If through illness, old age, or infirmity, he is unable to work his holding he may apply to the Land Court for leave to assign it to a member of his family.

On giving up or being removed from his holding the landholder can claim compensation for permanent improvements suitable to the holding executed or paid for by himself or his predecessors in the same family, provided he was under no written obligation to the landlord to make these improvements. Permanent improvements consist of dwelling-houses, farm offices, subsoil or other drains, walls and fences, deep trenching, clearing the ground, planting trees, making piers or landing stages, roads practicable for carriages from the holding or holdings to the public road or the seashore, and all other improvements which in the judgment of the Land Court add to the value of the holding to an incoming tenant.

If a holding which has been held by a landholder falls vacant, the landlord cannot, except with the consent of the Board, let it otherwise than to a neighbouring landholder for the enlargement of his holding, or to a new holder. This prevents the absorption of smallholdings in large farms.

The rent may be fixed or altered by agreement between landlord and landholder. Either party may, however, apply to the Land Court to fix a rent; and the Court after hearing the parties and taking into consideration all the circumstances of the case will determine the fair rent. A rent fixed by agreement between the landlord and landholder for a period of years cannot be altered by the Land Court during that period except with the consent of both parties, and a rent fixed by the Land Court cannot be revised for a period of seven years, except by mutual agreement.

Section IV.—THE STATUTORY SMALL TENANT.

"Statutory Small Tenant" is (as already indicated) the term applied to a tenant of a smallholding within the above specified limit, whether upon lease or by the year, in possession on 1st April, 1912, where the landlord has provided or paid for the whole or the greater part of the buildings and permanent improvements. He resembles the landholder in having security of tenure and judicial rent, but there are important differences.

1. On the termination of the existing tenancy, the tenant is entitled, generally speaking, to a renewal of it. Should the landlord and he fail to come to an agreement on rent or period of tenancy, either of them may apply to the Land Court to fix a rent for a period of years. This is to be "an equitable rent for the holding between the landlord and the tenant as a willing lessor and a willing lessee." The onus is on the landlord to maintain the buildings and permanent improvements; whereas in the case of the landholder the landlord is freed from this obligation.

2. The tenant may be refused a renewal of his tenancy at the end of the period, if the Land Court find that the landlord

has a reasonable ground of objection to him. Thus his security is not so great as the landholder's.

3. He cannot give up his holding except at the end of the period.

4. He cannot obtain compulsorily an enlargement of his holding.

5. His claim for compensation for improvements is subject to the conditions specified in the Agricultural Holdings (Scotland) Act 1908.

On the whole, the Statutory Small Tenant occupies a position between that of the ordinary agricultural tenant and that of the landholder. But if the landlord fails to provide or keep up the buildings and permanent improvements required for the cultivation and reasonable equipment of the holding, then the Statutory Small Tenant may apply to the Land Court to declare him to be a landholder.

A holding which has been occupied by a Statutory Small Tenant cannot be merged in another holding without the consent of the Board. It may be kept in the landlord's hands, or let to a landholder or to an ordinary tenant, but it cannot be absorbed in a larger holding without permission.

Section V.—WORK OF LAND COURT.

In the second Report of the Scottish Land Court (Cd. 7398, 1914) it is stated that:

Since the commencement of the Act (1st April, 1912) to 31st December, 1913, we have fixed First Fair Rents for 779 holdings. These holdings extended to 8,862 acres arable, and 8,693 acres outrun in individual occupancy, and 31,682 acres of township pasture, and 79,543 acres general common pasture. The old rents of these holdings (omitting shillings and pence in every case) amounted to £7,624, and the Fair Rents to £5,083, the reduction being thus 33½ per cent.

The arrears dealt with amounted to £3,128. Of this sum we cancelled £1,801, or slightly over 57½ per cent., and ordered the balance of £1,327 to be paid.

We have re-valued, on the expiry of a septennial period, 626 holdings. These extended to 4,467 acres arable, 3,910 acres outrun, 37,644 acres township pasture, and 132,672 acres general common grazings. The old rents of these amounted to £4,101, and the First Fair Rents, as fixed by the Crofter's Commission, to £3,243. We made further reductions in these cases, and fixed the new Fair Rents at a total of £2,658, being a reduction of 18 per cent, on the First Fair Rents.

We have fixed First Equitable Rents for 259 holdings. These extended to 4,419 acres arable, and 4,367 acres outrun, in individual occupancy. The township common grazings dealt with extended to 9,836 acres, and the general common grazings to 12,925 acres. The old rents of these amounted to £4,888, and the First Equitable Rents to £3,626, or a reduction of almost 26 per cent.

The following tables give further particulars of the reductions for the period from 1st January to 31st December, 1913, in each of these classes:

FIRST FAIR RENTS.

County	Rent Reduction per cent.	Arrears Reduction per cent.
Aberdeen	46·575	100
Argyll	29·712	65·332
Banff	35·719	—
Bute :. . . .	37·481	78·139
Caithness	37·608	67·750
Elgin	67·521	—
Inverness	18·182	62·500
Kincardine	40·000	—
Orkney	11·667	52·160
Perth	23·776	100
Ross and Cromarty	30·155	100
Shetland	29·230	82·223
Sutherland	7·550	—
TOTAL	34·880	73·136

FIRST EQUITABLE RENTS.

County.	Rent Reduction per cent.
Aberdeen	28·206
Argyll	26·418
Ayr	36·250
Banff	26·279
Bute	32·362
Caithness	26·571
Dumfries	32·474
Elgin	35·198
Fife	6·742
Forfar	26·923
Inverness	—
Kincardine	26·230
Kinross	18·605
Kirkcudbright	8·696
Lanark	26·667
Midlothian	20·455
Orkney	1·479
Perth	26·225
Ross and Cromarty	23·498
Roxburgh	29·178
Shetland	29·956
Stirling	46·154
Wigtown	10·918
Total	25·909

REVALUED RENTS.

County.	Rent Reduction per cent.
Argyll	14·101
Caithness	37·690
Inverness	—
Orkney	00·571
Ross and Cromarty	14·742
Shetland	21·118
Sutherland	9·018
Total	17·599

Section VI.—HOW THE WORKING OF THE ACT CAN BE FACILITATED BY THE LANDOWNER.

In various ways proprietors sometimes co-operate with the Board of Agriculture in facilitating smallholdings schemes. The following is from the account of the proceedings before the Land Court at Stronsay, on November 24th, 1913. (*Scotsman*, 25th November.):

Mr. Callander, for the Board of Agriculture, stated that Mr. G. Sutherland, the proprietor, had agreed to the Board's scheme, and had himself adjusted rents with the tenants. The matters outstanding were the regulation of common grazings, the right to sea ware, a question as to fencing, and the valuation of the buildings and the holdings of three statutory small tenants who were to become landholders.

Mr. A. Mackintosh, Sub-Commissioner for Small Holdings, on behalf of the Board of Agriculture, gave expression to their appreciation of the way they had been met by Mr. Sutherland, who had given every facility in arranging the scheme. Nine of the landholders on the estate applied for enlargements, and nine statutory small tenants also indicated that they desired extensions. Mr. Sutherland expressed his readiness to allow these statutory tenants to become landholders on condition that they took over from him such buildings as belonged to the estate. There were four cottars on the estate who had no land, and Mr. Sutherland had also agreed that they should get the holdings proposed for them by the Board.

Mr. Peter Brass, on behalf of the proprietor, answering Lord Kennedy, said: I think I may say, after studying the papers, that this seems likely to work out as an excellent scheme, and that is to a very large extent due to the manner in which the landlord has met the Board of Agriculture, because with regard to the statutory small tenants the matter would otherwise have been much more difficult. We hope this scheme will be an example to many others in the north.

It was reported to the Court that a number of fair rent applications had also been settled between proprietor and tenant.

Section VII.—EARNINGS FROM OTHER EMPLOYMENTS EXCLUDED FROM FAIR RENTS.

A further extract from other proceedings on the same day may be given by way of showing considerations which enter into the fixing of fair rents:

Mr. Johnston, on behalf of the proprietor, indicated that in fixing rents the Court ought to take into consideration the opportunities of getting work other than agricultural.

LORD KENNEDY: No, no, we have never had that in view. In my opinion it is absolutely contrary to the instructions of the Act. It is the agricultural value alone that we are concerned with.

MR. JOHNSTON: You are very unfair to the fellow who is far away from subsidiary occupations.

LORD KENNEDY: The man pays the landlord for what he gets. I see no reason why the landlord should benefit from the man's industry. Why on earth a landlord should get part of the man's wages for doing outside work I cannot see.

MR. JOHNSTON: He is not getting that. I know from a long experience that tenants are willing to give more money for small holdings near outside work. It is the situation of the holding which makes it of more value to the landlord and tenant. Would you charge the same rent for a holding which is in an outlying district?

LORD KENNEDY: No, not if its agricultural value were affected. Occupations not agricultural are very different.

COLONEL DUDGEON: The capital value is very much less.

LORD KENNEDY: I would take into account the advantages of a holding from its position for marketing, but I would never take into account the fact of a holding being near a school or near some place where the holder and his children could engage in outside work.

COLONEL DUDGEON: He would be willing to give a far bigger rent for it, all the same.

LORD KENNEDY: I, at any rate, will never depart from this: that a fair rent is not a competitive rent.

MR. JOHNSTON: When I advertise a place I do not always take the highest offer. I only take a fair rent. I would grant that many small holders, owing to the situation of their holdings, work on the roads, and at present earn 5s. 9d. per cubic yard of metal.

LORD KENNEDY: Where is your right to get a share of his wages? That is not an advantage you give him from the holding. Take two tenants, John Smith and Peter Robinson, who have holdings beside each other. One has a little money and does nothing but work his croft; but the other man, having no money, goes out and works on the roads. Is the man who is never going out to work to pay less for his holding?

COLONEL DUDGEON: Is he a willing tenant; that is the point?

LORD KENNEDY: If a man employs his horse to take the Commissioners to this hall, why should the landlord get a share of that?

MR. JOHNSTON: I do not ask that. I only ask you to take into account the position of the holding, and to say that the man in the outlying district should have a smaller rent. What would you do with a holding in the centre of Hoy?

LORD KENNEDY: We would take into account the difficulty of disposing of his products.

MR. JOHNSTON: Such a man without outside work could not live at all.

LORD KENNEDY: But I only come back and ask by what right would you tax his work.

Section VIII.—APPLICANTS FOR SMALLHOLDINGS, THEIR DIFFICULTIES, ETC.

Careful investigation has been made as to the reasons why in most of the non-crofting counties the application for new small holdings have been small in number. The reasons most commonly are ignorance of the provisions of the Act and of the proper course to be followed in making application.

We have been much impressed also by the consideration that throughout large areas of Scotland men have been accustomed so long to have actually before their eyes the holding for which they apply that they are very sceptical about making application for a holding that is not yet in existence. This applies particularly to areas outside the Highlands. In many districts where few persons have made applications for new holdings, we are satisfied that if new holdings were in fact made, there would be many more applicants for them. There are other reasons why men in employment in the localities are unwilling to make applications. They see no immediate prospect of getting a holding, and they rather shrink from placing themselves in the position of being applicants for something which does not exist. • They have an idea very frequently that it will damage them in their existing occupations. It is to be observed also that the process to be gone through before suitable applicants obtain holdings at present, even after they have been recognised and accepted by the Board of Agriculture as in every way

suitable, is somewhat protracted and is not of a nature that is calculated to stimulate others to join the waiting list. Many people who say they wish holdings, state also that the practical prospect of obtaining them is so problematic that they do not make formal application.

The Board of Agriculture for Scotland have found regarding the experience and qualifications of applicants for smallholdings that a large proportion of the cases which they have investigated were satisfactory.

"It is satisfactory to record that a large proportion of the applicants are men of good character with adequate experience of the working of land and the management of stock ; many of them are farm servants who have saved enough money to justify them in applying for holdings."

We have also found considerable evidence to the same effect. It is true that in many cases ploughmen and farm servants in particular, have been unable to save the capital considered necessary for stocking and taking up even a small holding ; and we are fully alive to the fact that a great problem to be solved in connection with the large extension of the policy of creating new small holdings is to provide financial assistance such as will enable such men to take possession of smallholdings. Yet the realisation of that fact does not blind us to the other consideration that many applicants for new smallholdings, men of experience who are already in possession of sufficient capital, are available and have not yet succeeded in gaining holdings.

A great deal of misunderstanding exists regarding the question of the financial assistance which may be given by the Board of Agriculture in connection with the creation of smallholdings. The point to be noticed is that loans for stocking holdings cannot be given from the money provided under the Board ; but loans can be given for *buildings*, roads, water supply, fences, etc. Under Section 7 (7) of the Act of 1911, where the Board are of opinion that assistance should be provided for dividing, fencing, or otherwise preparing or adapting the land, making occupation roads or other works, such as drainage or water supply, or erecting or adapting a

dwelling-house or other buildings, or for any similar purpose, they may provide such assistance by way of loan or (except as regards dwelling-houses or other buildings) by way of gift. The point of this latter distinction is that sometimes it is only by such expenditure as laying out a new area for smallholdings (making the necessary roads, fences, etc.) at the public expense, that a scheme of new holdings can be carried out. Further, under Section 9 of the Act, the Board may provide loans for improving or rebuilding dwelling-houses or other buildings of landholders or cottars.

Section IX.—EVIDENCE AS TO DIFFICULTIES OF APPLICANTS.

The following are typical reports from various localities as to the reasons why the number of applicants for small holdings has been small :

ABERDEENSHIRE (S.S. 5).—It is not that the small holdings are not wanted, but the men who would apply are ignorant of the provisions of the Act.

(S.S. 10).—Some uncertainty about the mode of application for land exists in the minds of intending applicants.

If once the thing were set going and one successful applicant could be pointed to, it would facilitate the work. I have a man in my employment who is in want of a croft. The one he occupies at present is $4\frac{1}{2}$ acres, but he leaves it at Martinmas in consequence of the insanitary condition of his dwelling-house, but he would like a bigger croft. I suggested to him that he should write to the Board of Agriculture, but he said that the old way was the best, so he made a journey of some thirty miles yesterday to look at one of $7\frac{1}{2}$ acres on the estate of —. I believe they have some difficulty in expressing their ideas with the pen, so most of their bargainings are done by word of mouth.

(S.S.S. 7).—The reason principally is simply because we have not got the men. They have gone abroad. We are now left with little but young lads from sixteen to twenty years of age—a circumstance to be observed in any of our half-year feeing markets.

ARGYLLSHIRE (S.S.S. 15).—There are as yet no applications whatever for holdings in this district, the reason being that as it is well known the landlord is not favourable to their creation, the likely applicants are afraid of retribution should they apply.

There must also, of course, be taken into account that suitable applicants have cleared out, the Act being so long overdue, and also the inability, through poverty, of those remaining to properly stock a holding.

(S.S. 22).—The number is small on account of the stock difficulty.

(S.S. 25).—A fair number have applied. Many more would if capital could be had.

(S.S. 28).—Good men are deterred from making application for land on account of their limited means, and could, with profit to the nation, be attracted to the land by more generous terms offered by the Government.

Could a good man with capital, say £150, be offered another £150 on easy terms, it would do much to encourage the most desirable class of man here to take up a holding.

(S.S. 29).—Want of capital to stock is a trouble in this district. There are those who are afraid to come forward as applicants in case they incur the displeasure of their landlords and thereby are evicted from their present houses, or dismissed from their employment.

(S.S. 34).—I am well acquainted with this subject. I have a list of 100 available small holders, mostly for new holdings, and some who want an extension of present holdings. Practically the sole reason for applications not having been sent in is that these people have no capital. A few have made application. Where there is such an overplus of casual labour as exists in this parish, it is only the few independent, fighting characters who are left that are prepared to take the risk of offending the "influences" by making a push for holdings of their own.

BANFFSHIRE (S.S.S. 17).—Want of knowledge on the part of those desiring land is the reason why more have not applied from this parish.

I feel that the Board of Agriculture might have done more in the way of coming into touch with likely men to apply for land.

BERWICKSHIRE (S.S.S. 20).—I know there is a feeling in this locality that it is no use attempting to farm on less than 100 acres, and to do that would mean the possession of an amount of capital which few of the farm workers have.

CAITHNESS-SHIRE (S.S. 39).—The reasons for the smallness of the number from this locality are:

- (1) Want of capital.
- (2) Not sufficient acquaintance with the powers of the Act, and
- (3) The protracted negotiations in connection with schemes.

(S.S. 41).—Emigration has taken the people away, especially the young men, who got quite weary with waiting, as the Land Act was so long delayed.

HADDINGTONSHIRE (S.S. 46).—People do not understand the provisions of the Act and do not know how to proceed to acquire a small holding. Before the Act can be taken full advantage of, something will require to be done to explain the provisions in a simple way.

(S.S. 47).—It will take a little time for the Board to deal with existing applications. When once a real beginning is made to create these new holdings, especially if it is done with courage and in the spirit of the Act, the Board will have their hands full with other applications.

DUMFRIESSHIRE (S.S.S. 23).—Men who could manage land leave for the Colonies and foreign countries, where they can find remunerative employment at first, and gradually, by saving, work into a holding.

(S.S.S. 27).—Small holdings of 50 acres or less are of no use in the pastoral districts of Dumfriesshire. Good holdings of £100 rental are what are wanted. Many large farms could be divided. Local men should fix rents and not Commissioners, who have no knowledge of our district.

ELGINSHIRE (S.S.S. 31).—The number of applications to the Board of Agriculture is small here. The reason, from what I can gather, is that people think there would be no redress for their wants; but when a farm or croft comes into the market here, there are a great many after it.

(S.S.S. 32).—There are a number in this neighbourhood who are waiting to see how those who have applied will succeed before putting in their application.

INVERNESS-SHIRE (S.S.S. 34).—There is a large number of applicants from this district, and there will be many more if there are any signs of success and encouragement.

(S.S.S. 37).—The landless men in this district have been wanting land for some years, but so far have not succeeded. Similarly, men having holdings which are too small, have been pressing for extension, but again they have not got them.

KIRKCUDBRIGHTSHIRE (S.S.S. 43).—A large number of men having left for Canada and other countries, there are no surplus labourers and wages are good.

(S.S.S. 44).—There has been a very large number of emigrants of the independent agricultural class from this locality.

Many who are left behind here are afraid to offend the local landed interest by making application, as their position is not too secure, and if their discontent of present conditions leaks out they are afraid that they expose themselves to trouble.

(S.S.S. 46).—Hitherto there has been no inducement on the part of the industrious workmen to look forward to renting a piece of land except at an exorbitant rent. Given the prospect of a holding at a living rent, with the opportunity of supplementing their savings by getting any small additional capital required, at a moderate rate of interest, then applications will gradually increase. The more deserving applicants will not come forward until they see their way more clearly. The loss of their savings at their time of life means a big thing for them.

PEEBLES AND SELKIRK (S.S.S. 55).—None have yet applied from this parish, but there are a number of eligible men who say they would like to see the start and how it is going to work before they take any steps in the matter.

PEEBLES AND SELKIRK (S.S. 63).—Some of the proprietors of land in this district have expressed themselves so plainly that any man on their estate knows that if he were making application for a small holding his services would be dispensed with long before the croft could be had, and any man who had a small place would want extra work, and this could not be got from a proprietor in this district.

ROXBURGHSHIRE (S.S. 66).—If only people saw small holdings fairly established there would be more applications. Some people here think that small holdings cannot be got. If we had even one fairly set going in this district there would be many more applicants.

(S.S. 68).—The applications have been, so far, very few from this district, and the reasons are :

(1) The £50 limit is too small for a man to earn a living from land in this district.

(2) Lack of money. There is a keen desire for small-holdings, but this prevents many a suitable man from coming forward.

(3) Fear lest an application might bring them into disfavour with the landlord and factor.

(S.S. 69).—Reasons for small numbers of applications in this parish is that 50 acres is too small in this county for a pair of horses. Eighty to 100 acres and upwards is what the demand is for, so that full work for the small farmer and his family with at least a pair of horses is assured.

Were some farms coming into the market to be taken and offered in small farms of 80 acres upwards to 120, then 200 to 240, according as the land lay, with no extravagant buildings, but wood and iron buildings, there would be many applications. Ploughmen and others say when they go to Canada that they have to put up with rough housing for years, and they would as willingly do it at home were they to get the chance.

ROSS-SHIRE (S.S. 79).—In this and surrounding districts every suitable man has applied for a smallholding. By "suitable" is meant those who have money enough to stock a holding. Something should be done by Government to help the poor but fit applicant.

SUTHERLANDSHIRE (S.S. 81).—The number of applications for land in this parish is comparatively small—1,400 acres or thereabouts is the extent of the area applied for. The reasons are that in many instances lands contiguous to the present holdings and suitable for extension are not available, owing to the continuance of existing leases.

Many who despaired of waiting any longer for an opportunity to live in any degree of comfort in their native parishes in this county have emigrated.

(S.S. 82).—Many consider the conditions attaching to the settlement of new holdings as beyond their ability. Some provision should be made for assisting (financially) applicants for new holdings with loans at low interest spread over a number of years.

(S.S. 83).—The applications already made, in my opinion, are a pretty fair number to start with. It all depends on how the Board do their work. There is a great misgiving on the part of the people on this point. What the people want is access to the land on fair terms, and if they get that there will be no lack of applications.

WIGTOWNSHIRE (S.S. 88).—In this parish smallholders know nothing of the advantage to be derived from the Small Landholders' Act.

PERTSHIRE (S.S. 92).—Ignorance as to the provisions of the Act and lack of money are the two main reasons for so few applications.

DUMBARTONSHIRE.—Inability to provide suitable land, on account of existing leases.

ROXBURGHSHIRE (S.S. 62).—The limit of the holdings at 50 acres or £50 rent is too small, and probable applicants are waiting to see how those who have already applied succeed.

(S.S.S. 68).—Though application for land in Berwickshire and Roxburghshire have been few, there is always plenty of demand for any smallholdings that may be to let.

The procedure under the recent legislation is new and not yet well known and understood. It will probably become familiar and be more used in time.

The mainstay of farming in this district—arable as well as hill—is sheep-breeding. Stocks of half-bred ewes are kept for breeding purposes on the arable land, and wherever sheep are kept room is needed, and this style of farming—the usual practice of the district—is not suited to or conducive to the establishment of smallholdings.

(S.S.S. 69).—Want of proper advertisement; want of capital, together with perplexity as to the amount of capital needed. Some hardly know who to apply to. One has applied to the landlord, thinking he was applying under the Act.

(S.S.S. 73).—The best men will hardly apply or acquaint their master of their intention to apply in case of the feeling aroused and the consequent termination of their engagement by their employers. If smallholdings were on the market the demand would be astonishing.

STIRLINGSHIRE (S.S.S. 97).—The small number of applications from this county is the result of failure to legislate earlier. Such applications should come from the farm labourer, but on account of lack of housing accommodation, etc., this class of worker has not been encouraged in the past as he ought, with the result that he has (as a class) tended too much to emigrate, or to go into the towns and cities as a labourer.

(S.S.S. 98).—If the information relating to smallholdings was made more widely known among agricultural labourers, and some means adopted by which financial assistance could be given to approved applicants, more advantage would be taken of the Small Holders' Act.

PERTHSHIRE (S.S.S. 99).—The apathy among farm servants and others in this district in applying for land is, in the first place, due to their not knowing how to set about it. Let the Scottish Board of Agriculture start to offer two or three smallholdings in this

district, and see how many applications they will get then. There is no dearth of offerers for any small place that comes into the market, and men are trying to save now that they have hope, but it will take a little time for them to save enough to feel themselves justified in making an application. The Board of Agriculture should circularise farm servants as to what they propose to do in each district, what money the applicant would need to have, and what assistance they might expect in given circumstances. This should all be made clear. Shepherds, in particular, should be informed what prospects there are of their obtaining small pastoral holdings. Lots of men are asking for this sort of information.

Section X.—RESULTS OF INVESTIGATION AS TO THE WORKING OF THE SMALL LANDHOLDERS ACT.

1. There is no doubt that there is a very large unsatisfied demand for smallholdings in every part of the country.

2. There is a strong feeling that no Small Landholders Act will be satisfactory which does not provide for the case of the man of experience and character but insufficient means. Again and again we find this point emphasised by most reliable authorities in every area. They point out that men in this position are often the best of the rural workers and the best potential smallholders; that they form also the class for whom the Colonies offer so strong an attraction.

Apart from considerations of bad trade and economic difficulties in the countries to which emigrants go (a period of very bad trade in Canada, for example, will have a marked effect in reducing the flow of rural workers from Scotland) it would appear that this question of the moneyless ploughmen, labourers, etc., is a crucial factor if it is desired to stem materially the flow of emigration of the young and vigorous worker. It will be considered later.

3. Another criticism very often made is that the range of the Small Landholders Act is too limited. For example, in the Border counties many leading agriculturists declare that small farms (up to 100 acres) rather than smallholdings in the ordinary sense are what are really wanted, and that the Act should be extended to cover all such cases. On other

grounds, also, there is a strong desire among farmers generally for the benefits of fixity of tenure and fair rent that are conferred under the Small Landholders Act.

In this connection it is interesting to notice that as long ago as 1895, Mr. Speir, of Newton, as Assistant Commissioner to the Royal Commission on Agriculture, made a special survey of the South-Western Counties of Scotland, and, as a result, reported that the desire for a Land Court and judicial rents was very much on the increase. Mr. Speir also reported that agriculture needed a readjustment of rents to prices. "Everybody is of opinion that nothing can rid agriculture of the millstone which hangs about its neck so much as a readjustment of rents in accordance with the present prices. Many farmers say if the rent is wrong no amount of legislation in other directions will make the farm right." (C. 7627, 1895).

4. The principle of the Small Landholders Act has already been more than justified. The existing smallholders have got security of tenure with the right to have a fair rent fixed. If the Act had done no more than this, it would have been a very valuable one.

Though the Small Landholders Act, 1911, has been in operation only a short time 25,000 persons have secured fixity of tenure under it and 700 are in course of getting small holdings.

During the twenty years of operation of the previous Small Holdings Act (i.e., that of 1892) nothing more was achieved than the creation of twenty-five small holdings by one County Council (Ross-shire).

It is not questioned throughout Scotland that the principle of the Small Landholders Act of 1911 is right: namely the provision of fixity of tenure and fair (not competitive) rents. Conservatives even, who previously attacked this principle before the Act came into operation are now, as a rule, attacking the Act, not on this question, but on the fact that the rate of creating new smallholdings, under its provisions, is not so rapid as it might be: and secondly, that the reduction of rents, notably in the case of the equitable rent to be paid by the Statutory Small Tenant has been on too considerable a scale.

5. With regard to the general machinery of the Small Landholders Act, namely, a Land Court with judicial functions and a Board of Agriculture with executive functions, the two bodies being quite distinct, there is general approval.

Criticism are directed mainly to the scope of the Act in the matter of creating new smallholdings. Undoubtedly there are minor provisions in the Act which do not tend in the direction of securing that new holdings are rapidly made. The special importance of this is very largely in regard to stemming the flow of emigration. There is general agreement that something more must be done to secure the more speedy and the more extensive creation of new smallholdings. We do not say this by way of criticism of the Board of Agriculture; we fully recognise the difficulties under which they labour; and some of these difficulties will now be referred to. But we are directing attention to what is regarded throughout Scotland as an urgent matter.

Section XI.—SOME PROVISIONS OF THE SMALL LANDHOLDERS ACT WHICH REQUIRE AMENDMENT.

The limitations in the Small Landholders Act handicap action in a way that is not always realised.

1. A provision which entails a long-drawn out expensive and laborious legal process is that of Section 7 (11) of the Act, which empowers a proprietor or sitting tenant to go past the Land Court and apply to the Court of Session for an Arbiter to assess compensation in respect of land taken for the purpose of small holdings.

This claim for compensation can be in respect of every conceivable kind of loss which can be alleged by the owner or the existing tenant: not only (in the case of the owner) in respect of actual loss of rent on the land taken for smallholdings but also for loss of rent on the remainder of the farm; also for loss of prestige through the proprietor not having his tenants so completely under his control as before, and as a resulting loss of capital value on the assumption that the estate would sell at a smaller price because of the tenants having gained security of tenure. Conjectural depreciation

of sporting values would also be included. In regard only to the alleged injury to the letting value of the farm from which the land has been taken, many smaller factors have to be considered, such as the condition of the farm as regards cultivation and rotation, the value of the grass on the land taken, the excessive size of the buildings, the state of the fences, drains, etc. There may also be claims in respect of the landlord's liability to take over sheep stock, as regards claims in respect of acclimatisation value. In the case of the tenant there is also room for a variety of claims for compensation; for example, in respect of the fact that the land taken forms part or the whole of his tenancy, so that he is entitled to away-going tenants' rights, including compensation for improvements under the Agricultural Holdings (Scotland) Act, 1908; also for all loss incurred through compulsory reduction of stock, implements, etc.

We consider that this right of application to the Court of Session should be abolished. The Land Court should be the body to assess the compensation.

In assessing claims for compensation as regards losses to the proprietor, the essential feature we consider is the comparison of the normal agricultural rent received from the land before and after it is taken for small holdings. If, in fact, there is no diminution in this rent received in respect of the area we consider that there should be no compensation paid except in regard to such claims as have in fact to be met by the landlord (*e.g.*, in respect of acclimatisation value, and any actual liabilities owing by the proprietor to the tenant). No allowance should be made in respect of the compulsory taking of the land, nor in respect of sporting values. The tenants' rights to compensation should of course be fully maintained. The object in view is to deal equitably and fairly with the parties, but not to pile up (at the expense of the State) huge claims for hypothetical losses: nor to compensate the owners for the mis-application of the land.

2. There is no provision in the Act giving the Board of Agriculture power to prevent a proprietor from letting a farm

which the Board consider desirable for small holdings. A proprietor, while negotiating with the Board, is apparently at full liberty to let the farm otherwise, and as the funds of the Board are very limited, they are naturally unwilling to interfere when a farm is once let, as they are then faced with the additional burden of claims for compensation on the part of the tenant.

One way to obviate this difficulty would be that when the Board had prepared a preliminary scheme (indicating roughly what was intended to be done) for small holdings, preferably in respect of farms where the sitting tenant was not renewing his lease, the Board might have this preliminary scheme provisionally approved by the Land Court. This preliminary scheme might be so approved a year before the expiration of the expiring lease so as to allow the arrangements for small holdings to be made during the first six months of that last year and before the actual expiry of the lease. During such period (say, six months) the proprietor would not be allowed to let the farm without the sanction of the Court or the Board, and the duty would be on the Board to complete their scheme within that period. Even in the event of the proposed scheme of small holdings falling through, this would still leave the proprietor free during the last six months to arrange for letting the farm otherwise.

3. Again, the limitations imposed by the Act preventing the acquisition of land on lease at the passing of the Act, frequently prevent all possibility of the Board acquiring land most desired by small holders; but on the other hand we do not desire to create a sense of insecurity among farmers who are making a full economic use of their land. This latter is a point we wish to emphasise very clearly. There is every year a large number of farms coming into the market where the sitting tenant does not wish to renew. These offer excellent opportunities for new smallholdings without interfering with existing tenants.

4. Again, a cause of great delay in the acquisition by the Board of a farm is the requirement of the Act that negotiations

with the proprietor for taking the farm must first have failed before the Board can go to the Land Court for a compulsory order. This course of negotiations is binding on the Board; and the result is that prolongation of these negotiations may only be an excuse by the agent of the proprietor so as to enable him to let the farm otherwise.

Once an area was scheduled for a preliminary scheme it should be provided that the land could not be disposed of, even for small holdings, without the sanction of the Court or Board.

5. The inducement in practice is considerable for proprietors to refuse to make smallholdings by agreement and to prefer rather to have compulsory orders made in order to gain the benefits of the extensive claims to compensation which may be made under the proviso to Section 17 of the Act of 1911.

6. The Board of Agriculture have no power to compel a proprietor to divulge information as to the tenure of farm leases, the size and rent, etc., of farms, and they are sometimes refused this information.

We consider the Board should have power to require information on these matters. It is not necessary for them to examine leases. A form showing the nature of the information desired might be issued to proprietors and the filling in of the particulars would not be a matter of difficulty.

7. There are undoubtedly difficulties created by the fact that proprietors, who in the past have exerted themselves to maintain smallholdings on their estates, are placed at a disadvantage in comparison with proprietors who had only large farms. The tenants of the former can apply to the Land Court for a fair or equitable rent, and this fair or equitable rent generally means a reduction of from 20 to 35 per cent. on the rents formerly paid. For this reduction no claim for compensation can be made. On the other hand, the proprietor who has no small tenants on his land is entitled (as already explained) to claim compensation in respect of

every conceivable loss that can be alleged resulting from the policy of placing new smallholders on his estate. This difficulty is especially prominent in localities where the general average of the farms is of moderate size (from 30 to 200 acres) and very much in demand by successful tenants. In these cases the difference between the competitive rent and the fair or equitable rent is large, and a scheme for creating compulsorily new smallholdings under the Act is again faced with the difficulty of the large compensation claimed under the Act. It is held that in this way the provisions of the Act operate unfairly towards the more deserving landlord who has endeavoured in the past to maintain smallholdings as compared with the proprietor who has merged them into large farms.

8. Another disability in the matter of creating new small holdings is the limited means at the disposal of the Board of Agriculture for making advances for the permanent equipment of new small holdings. A more adequate method of financing the setting up of new small holdings is essential if it is desired to secure the creation of anything like the number that are necessary to meet the existing deficiency. It could be met either by the better organisation of private or co-operative rural credit societies or by advances by the State. But this would not be a productive economic expenditure so far as it was spent on extravagant compensation claims and legal costs. (See also paragraph 11.)

9. Section 26 (2) of the Small Landholders Act, 1911, should be altered so that any holder might have the right, subject to the permission of the Land Court, to hold more than one holding or land belonging to more than one landlord under the Act, provided that the combined area did not exceed 50 acres or the combined rent £50; while regarding enlargement not only existing crofters, but existing yearly tenants, qualified leaseholders and new holders, should be allowed to obtain enlargements from neighbouring proprietors in respect of any available land without restriction as to distance.

10. As regards Section 27 of the Act, which provides special treatment in respect of that part of the Island of Lewis which lies within the county of Ross and Cromarty, there is a demand that this special treatment should be applied more thoroughly and that all land of not less than £30 rent should be made available for the creation of small holdings, notwithstanding the provisions of the Act to the contrary. This implies an amendment of Section 7 (16) so far as that part of Lewis is concerned.

11. More generally, there is the important point already referred to as to lack of means for the purpose of stocking holdings by people otherwise suitable. At present no one is considered eligible for a holding who does not possess the necessary means to stock it. There are undoubtedly many people, especially young able-bodied people, who have not the means to satisfy this condition; and there is considerable demand on their part that loan monies should be provided for their assistance. Many would like the money to be advanced by the State; others would like to see the necessary credit facilities provided by some system of co-operative credit, whereby the responsibility for the advance in respect of the farm stock would be more effectively imposed upon the individual who obtains it, than if the money were advanced directly by the State. There are obvious objections, on grounds of principle, to the State making advances (not properly secured) for purposes of stocking holdings; but there are no objections to such advances being arranged for locally through the instrumentality of properly-managed co-operative credit organisations working with capital provided otherwise than by the State. It must be realised, that it is a great matter if the State assists in the provision of the buildings on the holdings.

One Conservative candidate at least, for example, advocates that, at the outset, and before local co-operative banks have been organised for this purpose of assisting the stocking of small holdings, "the money should be available by means of a direct Government grant at a low rate of interest." "I admit the

advantages arising from this money being provided by those banks," he continues, "but we should not risk delay in establishing our scheme. Provision should therefore be made for this necessary money at first being obtained by direct Government loan."

The subject is discussed further on pages 241 to 246.

12. The present provisions imposing so much work as regards new small holdings on the Commissioner for Small Holdings should be modified so as to make other officials of the Board of Agriculture available (if necessary) for this work. It is clearly impossible to avoid delay unless alteration is made in this respect.

13. The exclusion from the compulsory provisions of the Act of any land being, or forming part of, the home farm of an estate or of any policy or park might be modified in the sense of allowing an appeal to the Land Court for the purpose of taking such land for holdings where it appeared that the amount of land so attached was in fact in excess of what would reasonably or normally be regarded as sufficient for such purposes and where it was difficult otherwise for small holders to be located elsewhere. The point is not to infringe the reasonable amenity of any person but to provide a means for preventing this exception operating in an unreasonable manner. A similar provision should be made as regards land within the boundaries of a burgh.

14. Power should be given to a statutory small tenant to obtain an enlargement of his holding.

15. It is clear that a great deal of delay occurs through the inability of the present officials of the Board of Agriculture and of the Land Court to deal with the volume of work which accumulates and provision should be made for devolution of work to the localities, e.g., by district officials of the Board of Agriculture and, as regards the Land Court, by the development of the system by which one permanent member of the Court sitting with local councillors or local assessors might hold a local court exercising such powers as were delegated to them.

We are not in favour of a large increase in the number of permanent officials attached to these bodies and, especially as regards the Land Court, we think that one official member of that body exercising jurisdiction in a specified number of counties and sitting in a Court containing also local representatives would conduce to the work being performed with greater dispatch. An appeal could always be allowed to the Court as a whole sitting with its official chairman and its other official members. The general rules and principles to be applied could be determined thus by the Court as a whole, and there should be no difficulty in securing that they were applied by these other bodies sitting locally..

16. Once an applicant is accepted as suitable by the Board of Agriculture, he should have the opportunity of getting a holding within a reasonable time (say a few months). It is highly undesirable that applicants accepted as suitable should be kept waiting indefinitely. If there is no likelihood of doing anything for them they should be told so; but this is a result entirely contrary to the intention of the legislation.

17. In an order constituting holdings the Land Court should have power, on reasonable cause shown that a suitable supply of water cannot be obtained otherwise, to determine the conditions on which the necessary supply of water shall be obtainable from available sources.

18. On the application of the Board of Agriculture the Land Court should have power, if satisfied as to the reasonableness of the application and that it is unnecessary that additional land for common grazing be made available to admit new smallholders and cottars to rights of grazing on existing common pastures.

CHAPTER IX.

TENANTS' DISABILITY TO EQUIP.

THE EXTENSION OF THE PRINCIPLES OF THE SMALL LANDHOLDERS ACT TO LARGE FARMS.

Section I.—THE PROTECTION OF THE TENANT'S IMPROVEMENTS.

INSECURITY of tenure, "the fear which haunts the enterprising farmer," and various restrictions and conditions in leases are great hindrances to the development of agriculture.

Formerly, nearly all agricultural leases had a nineteen years' duration, with a break at five or seven years. This gave the farmer an incentive to farm well during the early part of the lease, but when he was within a few years of its expiry he frequently starved the land and took out of it all he could.

There was no compensation for any improvements made during the tenancy. The tenant derived no benefit by keeping the land in a high state of cultivation. At the end of the lease, the landlord was in a position to resume possession without paying the farmer, his tenant, for any increase in the value of houses, steadings, fences, or drains, or for an improved state of fertility as a result of manuring and labouring the land done by the tenant.

The Agricultural Holdings Acts, commencing with the Act of 1883, and culminating with the Consolidation Act of 1908, were passed to remedy this state of affairs by abolishing certain presumptions and privileges which hitherto existed in favour of the landlord. The general object of these Acts was to secure to the tenant compensation for "unexhausted improvements," that is to say, compensation for the labour

and capital employed by the tenant in execution of improvements which, at the date of the tenants' quitting the farm, have increased its value. This right to compensation only arises on the termination of the tenancy, and any agreement which deprives the tenant of his claim, is declared to be invalid.

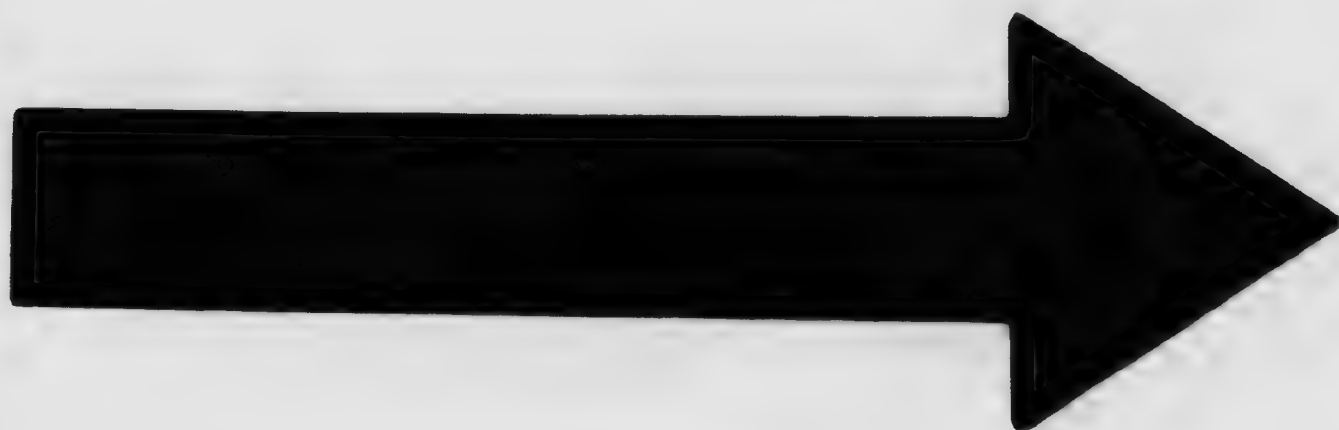
We find that the further extension of this principle of securing to the tenant adequate value for the permanent improvements which he makes is needed for the double reason of justice to the tenant and of securing that greater labour and capital are invested by him in the necessary equipment of the land.

Section II.—THE AGRICULTURAL HOLDINGS ACTS.

Though the Act of 1908 thus purported to give the tenant compensation for improvements as these may be determined by agreement at the termination of the tenancy and, failing this, by arbitration under the Act, it yet permits the landlord to make an agreement with the tenant whereby a scale of compensation is substituted for that under the Act, the proviso being that such compensation "must be fair and reasonable, having regard to the circumstances existing at the time of making the agreement." In practice, this substituted scale of compensation is inserted frequently in the tenant's lease at the commencement of the tenancy and the duration of the lease may be anything from five to nineteen years. In the case of *Bell v. Graham*, the Court of Session decided that when such an agreement is challenged by the tenant as not being fair and reasonable, it is the duty of the Arbiter to decide the question, keeping in view that the criterion is the fairness and reasonableness of the agreement as viewed in the light of the circumstances at the time of making, and without regard to what may have happened since. His decision may be set aside by a Court of Law and indications were given by the Court that an Arbiter should be slow to interfere with such an agreement unless it is unconscionable in its terms. These scales are largely resorted to in leases,

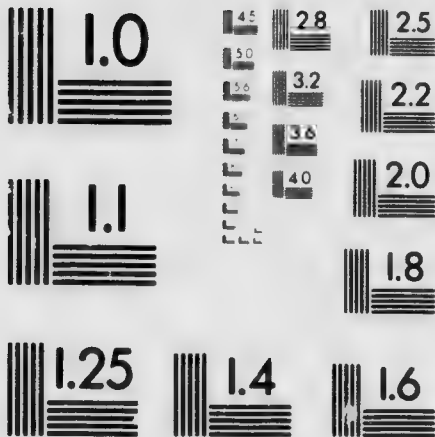
and in the ordinary case they are inserted with the one object of restricting the tenant's claim for compensation within the narrowest limits. In practice they have that effect, because the tenant does not rely on the Act to get compensation, but takes it out of the land instead. Speaking generally, too, when the tenant enters into the lease, he has to take it more or less on the terms dictated by the landlord in this respect. There is no doubt that the main reason for the substituted scale is that the landlord wishes to restrict the tenant's claim within as narrow a compass as possible, and the principle of the Act, which was to induce the tenant to farm as well in the latter years of the lease as in the early part, is thereby in a measure defeated.

What the tenant gets compensation for lies chiefly in the application of manures, natural and artificial, to the lands, and from the consumption of feeding stuffs consumed on the holding by cattle, etc. These manures and feeding stuffs are constantly changing in their composition and character, and new manures and feeding stuffs are being found, so that it is impossible at the commencement of a nineteen years' lease to frame a scale of compensation which will be fair and reasonable at the conclusion of the lease. In practice, the substituted scale generally provides compensation inadequate but "not unconscionable" for certain manures and feeding stuffs, well known at the time when the agreement is made, and then follows a clause "all others exhausted by the first crop." A tenant, therefore, who utilises the manures and feeding stuffs which modern science and commerce have put at his disposal, finds that he gets no compensation at all for a great part of the substances applied by him to the lands, but the Arbiter applying the Act may not be able to say that the substituted scale is unfair and unreasonable, having regard to the circumstances existing at the time of making the agreement. If the principle were adopted that the full responsibility of cultivating the lands be placed on the tenant, then all the provisions in the Act which interfere with his discretion in the mode of cultivation and management should be excised from the Act.



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Section III.—A FEW EXCERPTS FROM FARM LEASES.

The following are a few excerpts from farm leases :

Regarding clauses imposing heavy manuring obligations and limiting the tenant to compensation for unexhausted manures to cases where they are in excess of the almost impossible stipulated amounts, it has been decided in the Court of Session that where there is nothing but an obligation in the lease to manure heavily, the tenant is not restricted in his claim for unexhausted manures. But Lord President Dunedin expressly reserved his opinion in the case where the heavy manuring obligation was backed by a restriction that no compensation was to be given except for the excess.

"And the lessee shall in each year thoroughly work and clean the whole fallow and green-crop lands, and shall manure the same with solid, good and well-prepared farmyard or town's dung at the following rates per imperial acre, viz., land for potato crop, with at least seventy cubic yards; land for turnip and other green crops, not potatoes, with at least sixty-five cubic yards; land in naked fallow, with at least fifty cubic yards. But with power to use, instead of said farmyard or town's dung, an equivalent quantity of bone manure, guano or other manures, nitrate of soda being specially excepted; provided always that the use of such manures, and the quantity applied, shall be in conformity with the practice of good husbandry in the district at the time."

* * * * *

"but no payment shall be made . . . for any unexhausted manures, excepting any such as shall be applied in excess of what is stipulated above."

Note.—The strenuousness of this obligation consists in the large quantity of manures requiring to be applied to the lands. Sixty-five cubic yards of dung amounts to over 40 tons, and applied at that rate, the dung could not be ploughed in. Then the obligation is backed up by the further Clause "that no payment is to be made for any unexhausted manures except as shall have been applied in excess of the stipulated amounts." Manure applied in these quantities, even to the most exhausting crops would leave a considerable residuum unexhausted and the object of the Clause undoubtedly is to compel the farmer to farm well and at the same time to exclude him from all compensation.

"And it is hereby expressly provided and declared that if the said . . . or his foresaids shall continue to possess the subjects hereby let after the expiration of the foresaid period of nineteen years by *tacit relocation* or any other manner without a new Agreement reduced to writing or against the pleasure of the Proprietor then and in that case he and they shall thereafter so long as he and they shall continue so to possess the said subjects pay the sum of £2,000 sterling of yearly rent for said subjects at the terms and by the proportions before specified besides performing or complying with the whole of the conditions above specified, but without prejudice, however, to the Proprietor to remove the Lessee.

Note.—Under the Agricultural Holdings Act of 1908 a tenant under a lease of nineteen years requires to get a year's clear notice to quit, otherwise the lease is renewed for a year by what is known as *tacit relocation*. The tenant on the other hand requires to give the landlord similar notice before he could leave. A tenant could, therefore, only remain in the farm after the expiration of the lease if the landlord failed to give the necessary notice. In this particular case, the rent to be charged is more than twice the rent in the lease, and the Clause is so obviously unfair that probably no Court of Law would sanction it. The object of the Clause is to prevent *tacit relocation* from applying to this lease and to fix a stated rent for occupancy after the expiration of the lease until a new bargain is made. A tenant in that position may be expected to come to the landlord's terms quickly.

A Clause from a Lanarkshire Lease dated 1898.

"And further, the tenants bind themselves not to use any part of the farm for the growing of strawberries without giving previous notice in writing to the landlords, and for any ground which may be used for this purpose the tenants bind themselves to pay an additional rent at the rate of one pound per acre per annum so long as such ground is so used, which additional rent shall be payable along with the rent before stipulated at the terms and with interest during non-payment all as before provided with regard to the principal rent."

Section IV.—THE FAILURE OF THE AGRICULTURAL
[HOLDINGS ACTS.

In addition to being unfair to the improving tenant, the Acts fail to encourage adequately cumulative fertility. The following, for example, is an instance reported by one of the best-known farmers in Scotland:

I was recently consulted by a farmer who was approaching the end of his lease, and who for family reasons did not wish for a renewal, as to the most profitable course to follow during the remaining three years of his tenancy. I went into the matter fully with him and the following are the facts:

During the last three years he had purchased manure to the value of £1,049 14s. 6d., and artificial manure costing £1,001 19s. 3d. If he had been leaving his farm at the last term, he would have been entitled to compensation estimated at the usual scale prices amounting to £222 11s. 8d. He has managed to farm well and applied manures and used feeding stuffs on a liberal scale during the whole currency of his lease, and estimated that his crops would not materially be reduced if he withheld the stable manure for the next three years. If he continued to manage as he had done for sixteen years, he would receive at his outgoing under the Agricultural Holdings Act, £222 11s. 8d. If he withheld the stable manure he would save the cost, viz., £1,049 14s. 6d., and would be entitled to £25 11s. 8d. as compensation for artificial manures. He was at liberty to take the latter course, and yet fully comply with the conditions of his lease. The profit in adopting the latter course, assuming that he was right in his estimate that his crop would not suffer, would be £852 14s. 6d. Would any arbiter award this sum as compensation for cumulative fertility? If not, what course would any prudent man adopt in the circumstances stated? Was not the Agricultural Holdings Act passed with the view of encouraging farmers to maintain the land in the highest state of fertility? In the case referred to, what inducement had the tenant to do so?

In addition, the course of proceedings under the Acts is costly and not free from worry, and the tenant, as a rule, does not willingly submit the matter to arbitration. When a farmer, holding upon a lease, is within two or three years of its termination, he begins very frequently to take what he can out of the soil, rather than risk endeavouring to recover compensation.

The result is greatly to decrease the fertility and productivity of the land.

• Further, the farmer holding on a lease who intends to apply for a renewal on the termination of his present tenancy is faced with another difficulty. If his farm is in good heart and in a high state of cultivation at the end of the lease, he is the more likely to have to compete with other offerers

for a renewal. He may have to pay a larger rent on account of the improvements he himself has made, in order to be able to remain in his farm. There are likely to be others who will pay a higher rent for a farm in a high state of cultivation. These men will compete with the sitting tenant, and if they secure the farm they may (and sometimes do) rapidly exhaust the fertility of the soil and give up the farm at a break or at the end of their lease. In such a case, not only is the original tenant a sufferer, but the landlord is also an ultimate loser. In any case the practice is bad, in that its natural tendency is towards under-development by sitting tenants.

Another difficulty which the enterprising farmer who improves the productivity of his farm has to face at the end of his lease, is that even if he is not required as a result of competition to pay an increased rent, his position in negotiating for repairs to houses, or steadings, or fences with the landlord is prejudiced, because both know that a tenant can easily be had. If he, following the recognised practice, exhausts the soil during the last two or three years of his lease, the landlord is willing to accept him at the same, or perhaps at even a reduced rent, as there are no competitors. There is an old saying amongst farmers which expresses the matter succinctly: "Improve an' ye flit: lat alane an' ye sit."

Many farms in Scotland are held now on year-to-year leases. In such cases the tenant will not expend money or labour in bringing the land into a high state of cultivation. It cannot reasonably be expected that he would do so, as there is always a feeling of uncertainty that he may have to leave the farm on some pretext or other. Draining, manuring, fencing, or cutting brackens are all improvements of a continuing nature, giving a return over a period of years on the capital and labour expended in making them. Unless the farmer is sure of remaining in possession, he does not execute these improvements.

With the exception of the claim for compensation for unexhausted improvements, for damage by winged game and deer, and for compensation for disturbance and for

some minor matters, the Act is only permissive. It may be observed that the provisions with regard to compensation for disturbance are involved, and on this account, the clause is not of much benefit to a tenant farmer.

While the Act purports to give freedom of cropping, this does not apply to the last year of the lease, regarding which the landlord may insist upon certain conditions. In that event the tenant does not really enjoy freedom of cropping, as he must leave his land in the condition stipulated for in the lease. In order to do so, a certain rotation of cropping must be observed, so that in effect there is no real freedom of cropping during the last five or six years of the lease.

Sometimes onerous conditions are inserted with regard to the up-keep of houses and fences.

To such an extent are farmers affected by insecurity of tenure, that it is stated by them all over the country, that if they had security of tenure at an equitable rent, the whole aspect of agriculture would be changed. Their enterprise would then be more appropriately rewarded.

Section V.—FAILURE OF AGRICULTURAL HOLDINGS ACTS: TYPICAL REPLIES.

From a large mass of evidence by agriculturists in all parts of the country, the following, from many of the best-known and most successful farmers in Scotland, are typical specimens:

ABERDEENSHIRE (R.B. 3).—With security of tenure farmers would put more into the land. They usually lime and manure well in the early years of their lease, but cease to do so in the latter years, thus reducing the yield.

(R.B. 4).—Without security of tenure no farmer can afford to lay down what he has no guarantee of taking out.

(R.B. 5).—Farmers here are not safe to make any permanent improvement either upon land or houses with any prospect of being paid adequately at the end of the lease.

(R.B. 12).—Without security of tenure high farming is exposed to the injustice of having to pay increased rent on renewing a lease because of the improvement brought about on the farm solely by the tenant.

AYRESHIRE (S.S.S. 9).—A great deal of the land here is now let on year-to-year leases, and no inducement is held out to farm well, for although the farmers can claim for unexhausted manures and improvements, yet the claim is very often very costly to substantiate, and a great many prefer to harry the land as much as possible and make no claim when giving up.

(S.S.S. 12).—One great drawback to farming here is the holding of land from year-to-year instead of on a lease. It cannot be reasonably expected that the man who farms under this system will farm his land so well as the man who knows, if he treats the land well he has a chance of some return for his outlay. There is always a feeling of uncertainty with the man who only farms from year-to-year, and on that account it is rare to find a farm so held farmed so well as where the land is held on lease.

DUMFRIES-SHIRE (S.S.S. 25).—When a farmer enters his farm he grades it up for a course of cropping, say seven years, and keeps it going five or six years. After that he takes all out of it he can, and consequently starves it for six or seven years or right on to the end of his fifteen or nineteen years' lease, or until a new bargain is made. The A. H. Acts were intended to reward the farmer who maintained the condition of his land until the end of his lease, but lawyers and factors speedily checkmated this reward with rates of compensation for manures, which only reward the worst farmers. Cumulative fertility is still ignored, and while this continues no blame can attach to farmers for running out farms towards the end of leases.

Fixity of tenure and fair rent would at once put new life into occupiers here; we would feel that come what would neither laird nor factor could oust us from house and home or charge rent upon the improvements which the labour of a lifetime brought about.

KIRKCUDBRIGHTSHIRE (S.S.S. 44).—A farm well farmed and in good condition I have always found militate against the sitting tenant at the end of his lease. Many farmers in a similar situation to myself after having lived some time in a locality did not wish to have their farms put on the market over their head, and though the farms were too highly rented, retook them in face of the landlord's threat so to do.

A well farmed farm here in high condition is nearly almost sure to let at more money, being taken frequently by a novice with

money to lose, or a land sucker, who takes all out in one lease and throws the farm up or gets his rent reduced by grumbling at the poor state of his holding.

(S.S.S. 46).—There is room for considerable improvement in securing to an improving tenant the value of his unexhausted improvements. Hitherto those have not nearly got the value of their improvements, whilst those who reduce their farms get more than they deserve. The legal expense in appraising is out of all proportion to the work done.

KINCARDINESHIRE (R.B. 23).—Insecurity of tenure holds back agricultural development. Farmers are materially affected by insecurity of tenure. This is really at the root of all their troubles, and prevents them from carrying out improvements.

PEEBLES AND SELKIRK (R.B. 27).—I consider insecurity of tenure to be the greatest drawback to the development of agriculture, as farmers cannot be expected to spend money under a five years' lease.

PERTSHIRE (R.B. 32).—The farmer is affected by insecurity of tenure to the extent to which he has made his farm desirable to any outsider to offer for it as it stands, while he regards a considerable part of this value to be due to his continued good farming or other improvements for which the present statutes give no remedy, owing to the landlords' counterclaims and the uncertainty of the results of a claim with its attendant expense.

It is not so much that the rent might be, or often is, raised to a sitting tenant, but at the end of his lease there is more difficulty of renewing it on advantageous terms, because if a farm is in good order and in good heart there are plenty of people after it, and the landlord knowing that is not particular whether the sitting tenant remains or not, and will not give him much in the way of repairs to buildings or fences, still less new ones, or give him any reduction of his rent, although the present market value of the farm may be due entirely to the tenant, and not to the landlord. With a farm in poor heart and run out, it is the reverse. There are no other applicants, and the landlord is glad to keep the sitting tenant on any terms.

ROXBURGHSHIRE (R.B. 30).—If a farmer makes improvements and turns out good stock, at the auction sales he gets better prices than his less progressive neighbours. The impression gets abroad that he is doing well, and at the end of the usual five years break in his lease in this locality he may expect a demand for a higher rent. This state of matters discourages development. The farmers dare not give expression to their desire for security of tenure, but it is well known that it is much desired, and that it would give a great incentive to improved farming.

STIRLINGSHIRE (S.S.S. 97).—To put agriculture on a sound footing the primary thing is to give the tenants absolute security of tenure.

(S.S.S. 98).—The greatest drawback to prosperous farming is the want of fixity of tenure and security for improvements. There are few holdings but which would be greatly improved if the holders could be assured of a reasonable prospect of benefiting by any such improvements. At present there is no inducement for tenants on short leases to spend capital on their farms, as the chances are that the value of such would be filched from them in the form of increase rents, or dispossession in favour of some other tenants immediately on the expiry of their lease.

WIGTOWNSHIRE (S.S.S. 87).—Almost all farm leases here contain clauses prescribing modes of cropping, restricting the variety of crops to be grown, and detailing manures to be used, which hamper a farmer in the management of his land and do not tend to good husbandry. Farmers have no choice but to accept these leases.

(S.S.S. 90).—Farmers cannot possibly improve their farms with the conditions that at present exist on many estates. If farmers had fixity of tenure they would not spare their own capital in improving the land.

ABERDEENSHIRE (R.B. 10).—Fixity of tenure is the only true solution of the problems affecting land holding, which means also fixing of fair rents. Drastic provisions as to inefficient husbandry ought to be imposed.

ABERDEENSHIRE (R.B. 11).—Fixity of tenure and equitable, and not a competitive, rent, with easy credit, would revolutionise the whole system of land tenure in this county.

ROXBURGHSHIRE (R.B. 28).—Until some attraction is offered, and some thorough security given to tenants to invest their savings in the higher productivity of the soil all other panaceas are useless. The fear of an increase of rent on his own improvements is the fear which haunts the enterprising farmer.

(R.B. 30).—Rents in this locality are far too high to give a fair return to the farmer and enable him to get the most out of the land.

The following is a statement by a leading agriculturist in Perthshire :

Suppose, for example, a pasture farm rented at £200 is overrun with bracken. If the bracken is cut by the tenant the farm may

be worth £250 after he has got it cleared out. Under the present circumstances, in view of his arranging a renewal of his lease, he is better to leave it alone. If he had security he would certainly cut the bracken and improve the farm.

Existing legislation fails in that in practice the more a tenant improves this farm at the end of his lease he has to compete against others for a farm which his own improvements have enhanced the value of, and only if he goes out can he claim compensation on certain narrowly defined lines, and with little hope of his getting much after the landlord's counterclaims as stated above are set against them.

A solicitor in large practice, and a large land agent reports :

Where a man has fixity of tenure or practically so (as has been the case on some favoured estates), and a sufficiency of capital, for a small place, every yard of which can have his personal attention and the labour of himself and the members of his family, the results have been to improve the place beyond recognition, and to grow crops double the quantity and more. The great essential besides labour is sufficient capital for the area taken in hand. A man should never have less than £10 per arable acre of capital to start with, and he can usefully employ double this when he makes it.

We fully realise that under good estate management a lease is frequently renewed automatically unless there has been previously some special ground of dispute between the landlord and tenant, but cases occur not infrequently where every advantage is taken to secure a higher rent at the end of the lease. Where the estate is managed altogether by agents or factors, or where the proprietor is non-resident and poor, and the estate heavily burdened, the practice of increasing the rent as much as possible at the end of the lease is more common. This is rendered more easy in many districts because of the keen competition for farms.

It is certain that a good deal of personal hardship results when very exacting agents or absentee landlords deal harshly with an old tenant at the end of a lease. It would appear that in the majority of cases where this occurs the immediate cause is either closely associated with the fact that the estate is managed by an agent who has the strongest professional interest to show as large net revenues from it as possible,

or that it belongs to an absentee landlord who is in impecunious circumstances.

It is to be noted that neighbours who wish to get possession of the farm may be the original inciting cause. It may be their offers which stimulate the landlord or his agent to demand a higher rent, or refuse a reduction though one is due owing to declining prices.

It is, however, the *system* which makes such things possible which is at fault.

Where the tenant has been in possession of the farm most of his life, there is sometimes special hardship in subjecting him to harsh conditions in his old age, especially when he has made considerable improvements on the farm in respect of which he could get no compensation.

There are even cases where the landlord is unable to or will not put buildings into tenantable condition, and yet desires to secure a rent on improvements effected by the tenant. The following, for example, is a case from an Eastern county :

The late tenant of this farm died two years ago, but bequeathed his lease to his widow, son and daughter, who took it up in virtue of the Agricultural Holdings Act (S) 1908. On the termination of the then current lease, the proprietors have not only refused to put the buildings into tenantable condition—they were in a very bad state—but the late tenant having spent large sums in the way of manures and by way of the introduction of a water supply, they have insisted upon an increase of £32 10s. on a £240 rent. In addition, they have insisted that the renewed lease shall be upon different conditions from those on which the late tenant held the farm, and the new conditions are not so favourable to the tenant as the former ones.

Section VI.—SECURITY OF TENURE NECESSARY IN ORDER THAT LAND MAY BE MADE MORE PRODUCTIVE.

No person can question that it is in the highest degree desirable to secure the application of more labour and more capital to the land ; and, in order to do this, it is equally agreed that there must be a sufficient certainty of a reasonable reward to both these factors. When there are so many competing demands for capital and labour it cannot be expected

that tenants will apply either their capital or their labour in the highest degree, so long as they are not assured of adequate and reasonable security.

This demand for security is put by a large number of the best and most experienced tenant farmers as the first necessity, so far as they are concerned, for more full and adequate development of the land.

The following reports for example are typical of a large number from all parts of the country to the same effect :

Farms in this district are mostly let on short leases, from five to seven years, consequently many changes take place, much to the detriment of the land, because each farmer puts in just as little as he can and takes as much as he can possibly get out. Forcing manures are used, which leave the land impoverished at the end of the lease. Farms are let by competition to the highest bidder.

(R.B. 5).—The land generally would yield better crops if better manures were used, but this is kept back for want of fixity of tenure.

(R.B. 8).—That the land would produce much better results is proved by the best cultivated farms producing very much more than the average farm, especially where lime has been used extensively.

The land here in most cases is let from year to year; this, with rents from one-half to one-third too high (from the farmers' point of view) prohibits his investing anything which will stand in the ground more than his time of it.

(R.B.N. 191).—It is quite apparent that agricultural land is not being made the most of, in some instances caused by the want of means, knowledge, or enterprise of the tenant, but quite as much by the system on which the land is held, whereby the land is subjected to alternate periods of overfeeding and starvation. At the beginning of the lease, the tenant pours in manure and after a time slacks off in view of the time the farm has to be retaken or left as the case may be.

The tenant's policy at such a time is to secure that the land is *not* in good heart, so that the rent will be lowered, or, at least, not raised. A farm in good heart is easily let, and there are those who will give a big rent and take the good of it in a few years and leave the farm poor and dirty; and one who wishes to stay in his farm has those to compete with in his bargain to retake.

(R.B.N. 230).—Any observer can see that the crops here are not what they might be, arising in some cases from lack of capital, and in a large number of cases, from a feeling that the farmer will not reap the advantage of his enterprise.

And the following may be quoted from the South :

FROM KIRKCUDBRIGHTSHIRE (S.S.K. 413).—Without greater security of tenure and fair rent, not competitive, few men care to adopt more intensive methods of cultivation than is customary in this district, as they are liable to have their rents raised on their own improvements at the end of their lease.

(S.S.K. 420).—The produce of the land could be very largely increased by the practice of the best methods of agriculture under a more secure tenure than at present exists.

FROM THE COUNTY OF PEEBLES (R.B.P. 262).—There is no doubt that land could be made to produce more, both by the judicious use of artificial manure and by the increased stock of cattle which most farms could keep. But short leases are largely in use and the uncertainty of tenure prevents farmers from spending the money necessary to full development. Several years are necessary to the reaping of the fruits of expenditure on manures.

FROM ROXBURGHSHIRE (R.B.R. 297).—Every agriculturist who has made any study of the subject will agree that the land is not producing the maximum. How can any farmer produce under present conditions, the maximum ? The highest state of fertility in the soil is often followed by a rise in rent.

So much has been said already regarding this that further evidence need not be given, and the reason for giving so much in this Report on this question of security is because of the importance attached to it by agriculturists and others as a prime necessity to achieve a better development of land than is already in use. No impartial person, in surveying the course of Scottish agriculture, can fail to be impressed with the greatly increased capital brought to the land, even in the poorest districts in Scotland, through the channel of the tenants once they were assured of the security of tenure given under the Crofters' Acts. But an enormously greater amount of improvement remains to be done throughout nearly every part (and the richest parts) of Scotland, in the improvement of stock, drainage, methods of cultivation,

etc. When it is recollected that the average yield of milk alone per cow in Scotland is no more than 500 or 600 gallons per annum, whereas the most successful farmers have stocks that average as high as 800 or 900 gallons, it is evident at once what a great improvement is possible in this one respect. And it is very similar in regard to the difference in the produce raised by different farmers. Corresponding differences are found also in methods of marketing produce and purchasing material, etc.

Nothing is therefore more certain than that, without security of tenure, the best results of cumulative fertility and intensive culture cannot be obtained.

Section VII.—SHEEP STOCK VALUATION AND ACCLIMATISATION VALUE.

In leases of moor and hill grazings there is very often a clause binding the tenant, at the expiry of his lease, to leave the sheep stock to the landlord or incoming tenant at a valuation to be fixed by arbiters mutually chosen, with power to the latter to name an oversman in the event of difference of opinion. This is the clause popularly known as "binding the sheep stock to the ground." The outgoing tenant, in place of having a dispenishing sale or sending his hill sheep stock to the ordinary markets, sells them at a valuation to the landlord or incoming tenant.

This method of disposal, has been in use for over a century. It commenced in the days when hill grazings were unfenced and when it was a practical impossibility to shepherd bought-in animals; so that, at an early stage in the history of sheep stocks, animals bred on the farm acquired a "hefted" or "homing" value. When boundary fences became more common and grazings came to be heavier stocked, in addition to "hefted value," there arose what is now termed "acclimatised value,"—a value gradually acquired through climatic and selective influences. That value was more pronounced in the West and North-west Highlands, where the heavy rainfall and long continued sheep-grazing were supposed to constitute such conditions, that sheep, brought from other districts, could contend with them only at the expense of a heavy death rate. This special value was at the outset a comparatively unimportant factor; but in recent years it

has grown to such an extent that it affects almost all hill grazings, and may be put down at from 10s. to 25s. per ewe and lamb over what is termed the "open market price." In the seventies and eighties of the last century, market prices of hill sheep stock and wool were on the increase. Large areas of land were opened to sheep-breeding and grazing, and it was easy to find tenants to take over the sheep stocks and to pay the valuations, including the gradually increasing "special values." Since then, however, market prices of sheep stock, and particularly wool, have been on the decrease; but there has been no diminution in the "special" or "acclimatised value" of stocks to be taken over at the expiry of leases. Rents have fallen, in comparison with twenty years ago, more than 50 per cent. on an average, and in some cases a great deal more. Particularly in the case of extensive grazings landlords sometimes have a difficulty in obtaining a tenant at all because of the large capital sums required to take over the sheep stock. Some of the wealthy proprietors have found it to be to their advantage to buy out the stock of the outgoing tenant at "valuation values," and to sell it again to the new tenant at market prices plus a small stated percentage for acclimatisation. The new tenant is also taken bound to dispose of the stock similarly at his outgoing. The larger number of landlords, however, are unable to finance the difference in price, and the system of taking over by valuation, which in the boom years received encouragement from them, is now looked upon with disfavour. In a recent case which was taken to the Court of Session the present method of valuing was challenged. It was there held that, in valuing a sheep stock "bound to the ground," "it was the duty of the Arbiter to value the sheep upon the basis of their value to an occupant of the farm in view of the Arbiter's estimate of the return to be realised by such occupant from them in accordance with the course of prudent management in lambs, wool and price when ultimately sold, and not upon the basis either (1) of market value only, or (2) of the cost and loss which would be involved in the re-stocking of the farm with a like stock if the present sheep stock were removed. The Arbiter is entitled to take into account both current market prices and the special qualities of the sheep, both in themselves and in their relation to the ground which, in his opinion, will tend either to enhance or to diminish the said return to be realised from them by an occupant of the farm." It is not easy exactly to comprehend where the above disquisition has left the matter. It is thought the decision means that the sheep stocks are to be taken over as a "going concern"; and, in estimating values on that basis, acclimatisation is an important factor. Be the interpretation what it may, valuations still continue to be made, giving as high prices as before; and it is generally understood among arbiters that, if they refrain from stating reasons or disclosing what method they adopt in arriving at their figures, they may fix values at will. The appeal

to law has, therefore, not furnished any relief to the landlord. Some of those who are financially in a position to do so are still buying out the acclimatised value, with the view of increasing the competition for grazings and consequently obtaining higher rents. Those who cannot afford to follow this policy still point out that they are in the hands of the large graziers and that their rents continue to fall. Certainly from the point of view of productiveness matters are serious. With a diminishing rent roll, the landlord cannot keep up the permanent improvements, the hill-draining, fencing, etc., which are necessary to maintain the annual returns. But acclimatised values are not the sole cause of the want of competition for hill grazings. They undoubtedly have an influence as they make it more costly for incoming tenants to take over the sheep stocks. Among sheep farmers, however, it is generally agreed that "acclimatisation" has a real value, and there are few among them who would not pay a special price for the home stock rather than take the risk of bringing a fresh stock on to the land. Another cause is that the average sheep farm is too large in area. Even if a landlord buys out the "acclimatised value," and it still takes £5,000 to pay for the stock (less the "acclimatised value") it cannot be expected that there will be very great competition for so large a farm.

It is clearly established (1) that acclimatisation has a distinct value which varies in different localities; (2) that great benefit results from the breeding stocks being retained on the hill pastures when, if removed, they are difficult to replace; (3) that sub-division of the larger grazings would be beneficial.

Sub-division would bring more labour on to the hill farms. Many of the tenants of the larger grazings are presently non-resident. The labour employed is inadequate and the supervision, in many cases, inefficient. Sub-division would mean a resident tenant, at least, and better supervision. The small grazier would be obliged, from economic reasons, to do his best to improve his holding and to increase his annual returns. The large size of grazings is in itself a deterrent to improvement. There is so much to be done that a tenant may well be excused under present conditions if he does nothing at all; and economically he may not, as in the case of the smaller grazier, be forced to do it.

In a well-known case which went to the House of Lords known as the *Ardery Sheep Stock Case* (*Gillespie v. Riddell*, 1909 (H.L.) S.C. 3) a decision of far reaching effect was given

which altered the generally understood view of the law held amongst agriculturists. In that case the tenant of a sheep farm upon an entailed estate holding a lease granted by one heir of entail in possession, endeavoured to enforce against the succeeding heir of entail in possession, the obligation in the lease incumbent upon the landlord and his heirs and representatives to take over the sheep stock at the expiry of the tenancy. The Court, however, decided that the obligation was not binding upon the succeeding heir of entail as such.

It is generally agreed that the law upon this point requires amendment and we approve of the clause contained in the Entails (Scotland) Bill presented by the former Lord Advocate (Lord Strathclyde) which provides that in case an heir in possession should, in a lease of a farm, bind himself and his heirs and representatives to take over from the tenant at the termination of the lease the sheep stock on the farm and should die before the fulfilment of the obligation, the obligation should, to the extent of the normal and regular sheep stock on the farm, devolve and be binding upon the heir of entail in possession of the estate at the time when it becomes prestable, as well as upon the personal representatives of the lessor, but that the heir of entail should be bound to relieve these other heirs and representatives of the obligation to that extent.

The tenant of a hill farm ought to have more freedom to make, and be secured in compensation in respect of, improvements made by him on the hill pastures.

The conflicting interest here is that of game preservation as a rule. The manner in which this operates is discussed further in the chapter on sporting interests.

CHAPTER X.

TENANCY AND PURCHASE.

THROUGHOUT Scotland it is found that the demand by agriculturists is in general for tenancy (with security of tenure) and not for the purchase of their holdings.

The desire throughout the country among agriculturists seems to be to rent land rather than purchase it. Tenancy (with security) is preferable to ownership they say; and it is their practically unanimous opinion that capital can be better utilised in cultivating land in purchasing stock, etc., than sunk in the purchase of land. The following examples are typical of many others in the same sense:

ABERDEENSHIRE (R.B. 4).—There is no great wish to purchase in this district because the available capital is required to stock farm.

(R.B. 10).—There is little desire in this locality to become owners, but a strong wish to be independent. The satisfaction of ownership does not count.

BERWICKSHIRE (R.B. 11).—I never heard of any farmer here having the slightest desire to own the farm he tenanted. He can put his capital to much better use in carrying on his business of cultivating the land.

ELGINSHIRE (R.B. 18).—The prevailing idea in this district is that tenancy is preferable to ownership. The capital expended in acquiring ownership would be more profitably used in becoming tenant of a larger farm.

KINCARDINESHIRE (R.B. 23).—There is little desire in this district to purchase land. If fixity of tenure were provided, that would satisfy most farmers.

Further, the opinion is widely held that a system of small proprietors would reproduce many of the economic evils

associated with the system of land tenure in other countries. An excellent statement by the Rt. Hon. Arthur J. Balfour, M.P., may be quoted, as it expresses what we find to be the general view in Scotland.

EXCERPT FROM PAPER BY THE RT. HON. A. J. BALFOUR, M.P.,
DELIVERED ON JANUARY 30TH, 1885, AT THE INDUSTRIAL
REMUNERATION CONFERENCE, LONDON.

This view which, with very great reluctance I am compelled to accept, asserts that a peasant proprietary may, and in all old countries where it extensively prevails actually does, co-exist with great poverty in the large towns, with low wages and sometimes with harsh treatment of the labourer in the country districts. That while peasant proprietors are hard masters, and where they have the chance, hard landlords, they themselves are too frequently subjected to a condition of dependence more cruel than that of any tenant, or any landlord, or any labourer, or any employer—the dependence, namely, of a small debtor on a professional money-lender. That the system can hardly work unless the population will consent to limit its numbers in a manner which the Anglo-Saxon race shows no disposition at this moment to do. That in France, where this limitation actually exists, and where other and external circumstances seem favourable to the system, the sub-division has increased and is increasing to an extent which has long been a cause of uneasiness. That if its success has been so qualified under the exceptionally propitious conditions which prevail on the other side of the Channel, there is no ground whatever for supposing it would be other than a disastrous failure here, where neither the habits of the people, the traditions of the country, nor the character of the agriculture are suited to it; where it has shown no tendency to take root in districts in which it has not previously existed, or to thrive in districts where it has. The truth is that, except in the case of market gardening, the system of peasant proprietorship lies in unstable equilibrium between two opposite dangers, from both of which it rarely succeeds in escaping. If, on the one hand, the small freeholders are but feebly influenced by “land hunger,” those of them who are lazy and thriftless will sell rather than mortgage their holdings, whenever the inevitable demand for money comes upon them; while those of them who are energetic and enterprising will also sell, because in old and settled countries it is usually more profitable to farm and pay rent for much land, than to own and cultivate a little. If, on the other hand, the peasants are powerfully moved by “land hunger,” then, rather

than sell, they will mortgage their holdings, if necessary, at extravagant rates; rather than not buy they will give extravagant prices for any plot of ground that comes into the market; rather than give up their share of the ancestral fields on the death of a parent, they will submit them to ruinous sub-division. In the one case, the system gradually dies out; in the other, it produces little but evil."

It was the experience of the Congested Districts Board gained in their operations in the Highland Counties that the smallholders preferred tenancy to ownership: "We have some reason to doubt," the Congested Districts Board reports, "whether crofters are really desirous of becoming the owners of the holdings which they occupy; many of them look upon the crofting tenure as in many respects as good as, or better than, ownership."

The Congested Districts Board in 1899 purchased from the Duke of Sutherland the northern portion of the farm of Syre in Strathnaver Sutherlandshire, containing about 12,116 acres for £10,546 10s. They then divided this area into holdings and sold them to the tenants on an instalment system. However the tenants objected to becoming owners, and after some years of experience of ownership it was agreed to allow them to remain as tenants under the small landholders tenure. In Barra there was a similar experience. In 1900, the Board bought about 3,000 acres of land from Lady Cathcart for £7,500 which they resold to smallholders. But subsequently the purchasers expressed a desire to be made tenants instead of purchasers, and this request was granted. The burden of the additional rates to be paid as owners and the advantages of the tenure of the Small Landholders Act, in conferring fixity of tenure and fair rents had considerable influence in recommending the tenancy system in the eyes of the resident occupying agriculturists. •

We consider at the present day that the greatest practical need in agriculture throughout the country is to secure the greater application of capital to the actual work of developing the land, improving the stock, etc., and any scheme which encourages the actual cultivators of the soil to divert their capital otherwise is less desirable. Already there is too great

a tendency throughout the Lowlands for large farmers with capital to expand their operations, less by sinking more capital in, and getting a larger return and a larger profit from the land they already occupy, than by indifferently farming and grazing a larger area. There is a real need to avoid the further encouragement of this tendency ; and no practical agriculturist will deny that the much greater necessity throughout the United Kingdom to-day is, on the contrary, to encourage the application of a largely increased capital to the actual work of intensive agriculture, developing and reclaiming the land, improving the stock, etc., and by gaining all the benefits of this and of cumulative fertility, to make the farms as units very much more productive and more profitable than they are at present.

We find throughout the country that the preference for tenancy (with security) has been much increased by the operation of the Act of 1911. This question of tenancy versus purchase has been fought in Scotland so recently and over so long a period (and very actively from 1906 to 1911) that we need not go over the ground of the discussion ; but we should like to produce a statement, with which we fully agree. It is a statement by the Marquis of Graham, and appeared in the *Land Agent's Record* of 20th September, 1913. The Marquis of Graham is the son of a Scottish land-owner (The Duke of Montrose) and is himself actively associated with the administration of a large estate. The statement was written in reference to Mr. Sutherland's book *Rural Regeneration in England*.

"I rather gather that Mr. Sutherland prefers leasehold with fixity of tenure to purchase, and in the case of a smallholder I am certain he is right. A man can get a larger return on small capital if he lays it out in active farming operations than if he pays it away on the purchase of land. In the former case the money brings in a return ; in the latter there is no return—certainly no more than if he occupied the same soil under leasehold. As regards the idea of a purchase scheme with annual instalments spread over a number of years, I hold that, no matter how many years may be named, or how small the instalments, no man wants a debt hanging over his head for the greater part of his life. If a

purchase loan was arranged for on the basis of, say, fifty years, a great deal may happen in that time and many things may occur which might make it desirable to leave the locality or give up the farm. It is a question of how much freedom there would be for a man to move about; but one thing stands out—namely, that if a forced sale were necessary at any time by reason of death or anything else there would almost certainly be a loss on the capital sunk in the land. It is not likely a successor could immediately be found to step in and take over the place and plank down fully the money plus interest paid up by the quitting or deceased tenant in the past. There are far too many risks about purchase for a man of small means to favour, however delightful it may be 'to tread the acres you own' in theory. What a labourer would like, no doubt, and what would be safest and best for him, would be to lease a smallholding and then see how he likes it and what he makes of it. If it all turns out right he would no doubt like an option to purchase the farm, and this might be done one day by himself or his family, who may make or come into some money. But this option would be exercised free of many years' debt, and the purchase would be made of a place the man knew suited him and had earned for itself the love and connections of 'home.'

. . . One of the greatest points about leasehold in preference to purchase is that under the former the farmer is encouraged to put his money into his farm and buildings, whereas under the latter the taxpayer is called upon to provide the operating capital. Under the Crofters' Act there have been many hundreds of thousands of pounds spent by the crofters themselves upon their places, but had this been a purchase scheme the burden would have fallen upon the taxpayer. I do not think the crofters would have spent their money without being given 'fixity of tenure,' for, under this, they are guaranteed that themselves or their heirs shall reap the advantage of their expenditure.

"Looking at the question from all points of view, I say that if we are to have a change at all in our land laws, let it be in the direction of leaseholds with fixity of tenure. I do not believe—even if the country could afford it financially—that purchase could ever be successful, practical, or wished for in the case of working men without money.

As shown also in earlier chapters, a main consideration in retaining a larger progressive and enterprising population in the rural districts is to offer them the prospect of a career from small holdings to large farms. It is infinitely easier to do this under a tenancy than under a purchase scheme.

CHAPTER XI.

THE MONOPOLY POWER.

Section I.—EXAMPLES FROM EVIDENCE PUBLICLY GIVEN IN COURT.

As indicated in previous chapters, much of the under-development referred to is directly associated with the exercise of the monopoly power possessed by the proprietor of a rural estate. It is owing largely to his possession of this monopoly power that it is possible. Apart from the limited powers of the Board of Agriculture, it is entirely in his discretion, for example, whether he will have agriculturists on his estate at all. If he decides to have them, he can dictate the terms on which alone the occupation of farms can be gained. In theory it may be true that farmers have freedom of choice as to whether they will accept these terms or not, but in practice the farmer has little choice. With the competition for farms strong, and having regard also to the human factor that farmers become attached to particular localities, generally the locality in which they have spent most of their years, there is much less freedom of choice than is frequently supposed. Throughout Scotland there are many instances of men who have farmed for years, but losing their farm, from whatever cause, they have been unable to secure acceptance as a tenant of another. If they have established a reputation for being troublesome to agents or proprietors, this difficulty may be very much increased.

An example of the arbitrary exercise of this monopoly power in a general way may be taken from the evidence given publicly before the Land Court. It was given before the Land Court at Brodick, on the 2nd December, 1912.—(*Glasgow Herald*, 3rd December, 1912.):

Lord Kennedy presided and the other members of the Court present were Colonel Dudgeon and Mr. Dewar.

Mr. J. C. Scott represented the Arran Estate; and Mr. William Balfour represented the applicants. Mr. George Laidler, the factor to the estate, was also present.

In support of an application lodged jointly by his sisters, Helen H. Fullerton, Catherine E. Fullerton, and Jessie H. Fullerton, Mayish Cottage, or Alma Terrace, Brodick, evidence was given by Dr. Fullerton, M.D., formerly Scientific Superintendent to the Fishery Board for Scotland. Witness, whose recollections went back to 1860, said that his father came from the Corrie shore to the holding now in question in 1856. In the year 1852, his father had built a house on the Corrie shore, of which he was dispossessed when he was evicted. He received no compensation for the house except that he was given the house which witness's sisters occupied at present. Prior to 1856, his father had been evicted from Glenshant. After witness had spoken of improvements carried out by his father, Mr. Balfour proceeded to examine him as to an incident which occurred about twenty years ago, relating to a rifle range at Brodick.

Mr. Scott objected to the question.

Mr. Balfour said that the question had a bearing on the game question.

LORD KENNEDY: They were not going to shoot the game, were they? You see under the Military Ranges Act, land can be taken compulsorily for rifle ranges. But how is this matter relevant?

MR. BALFOUR: They would not allow them to begin in case it might teach the young men to shoot and that possibly they might shoot a rabbit. I thought they would have been more patriotic and that they would have been glad to see a Volunteer force on the island.

Asked if his father was evicted, witness said that both his father and his own grand-aunt were evicted from the Corrie shore when the tenants all along that quarter lost their hill land.

LORD KENNEDY: Hill common.

WITNESS: Yes, from Corrie right south to Kildonan.

Replying to Colonel Dudgeon witness said this occurred in 1856.

MR. BALFOUR: Was any compensation given?

Well, I have heard some of those who were evicted say "No." Nothing was given to witness's father except the exchange of houses.

In course of further examination on this point, Lord Kennedy remarked: I think we may assume that no man wants to be evicted from his own land and from the house which he erected

for himself without receiving compensation. It is human nature to complain seriously when that happens.

Replying to Lord Kennedy as to what was done with these stretches of hill common, witness gave a statement which his lordship summarised to the effect that they were let mainly to members of one family.

Proceeding to speak of the question of increases of rent, witness said that he well remembered when the late Mr. Padwick became commissioner to the estate.

LORD KENNEDY: Was that Mr. Padwick who was rather notorious in racing circles?

WITNESS: Yes, very well known in connection with the turf, and also with money-lending. Witness added that it was announced that they would require to pay additional rent to make up certain losses incurred by the proprietor, who was a young man at the time.

LORD KENNEDY: You mean that it was announced that the rents were to be raised in order to meet debts.

Replying to Mr. Balfour on this point, witness said that he understood that the proprietor's losses were due to gambling and turf debts. Parties, he further stated, went round to value witness's father's holding, and the rent was raised. He remembered three occasions on which there were general rises of rent over the island, the first being Padwick's in 1867 or 1868, the second when Mr. Legerwood, factor of Auchencruive Estate, became valuator, and the third when the late Mr. David Stevenson, Crossburn, Troon, made a valuation in 1901. With these increases, he said, they had reached the present extortionate sum. He himself had applied to the late Mr. Murray, factor, for a reduction of rent. He represented to Mr. Murray that the rent was a ridiculous sum for the land in question, and was such as they could not hope to get in any place other than a resort like Arran, where they lived largely on Glasgow visitors, and where they received rents from what Glasgow visitors paid to the people.

LORD KENNEDY: Did you get any reduction?

WITNESS: Oh, no; in fact they attempted to squeeze us out.

MR. SCOTT, cross-examining witness, asked why his father had made alterations on the house?

WITNESS: To make room for an increasing family.

MR. SCOTT: Was it not also for the purpose of summer letting?

WITNESS: That was before that. In further evidence on this point, witness said that when Mr. Padwick came and started to screw up the rents, they got leave to let to summer visitors.

LORD KENNEDY : Alterations were made before summer letting was usual ?

WITNESS : No, before summer letting was permitted. The people, he added later, were allowed to earn money in other ways in order to pay the sum extorted.

MR. SCOTT : We will consider the extortions afterwards.

LORD KENNEDY : I think you had better not try to defend Mr. Padwick. You may very well defend the management of the estate in recent years, but it is for you to consider whether you are going to try and justify Mr. Padwick.

After evidence by Mr. Laidler, factor to the estate, regarding the rent of the house, which is at present £17 15s., including grazing and field, the hearing of this case closed.

One other example of arbitrary action in regard to Arran may be given. It is the judicial finding of the Land Court and is contained in their Annual Report (Cd. 6864, 1913). The point is that although the tenants erected the houses and were nominally owners, paying owners' rates as well as occupiers', they were liable to have their rents raised arbitrarily at any time, not in respect of any value which the proprietor contributed to their holding or to the house erected on it, but in respect of moneys obtained from any other occupation in which they earned anything, such as, for example, letting their cottages to summer visitors. These cottages were built on no better than a yearly tenure, the estate not granting a longer tenure. The ancestors of these people had been resident on the island from time immemorial. (*The italics are our own.*)

Numerous objections on several points were strongly pressed by the Estate, the question of "summer letting" being the subject of lengthy debate.

The Estate Management did not fulfil their obligations at common law to provide buildings or equipment in the case of the smaller tenants' holdings, but in some instances made grants-in-aid from time to time to tenants who proposed to build new dwelling-houses or steadings, or otherwise improve their holdings. These grants generally consisted of a year, two years, or even three years' rent of the holding, according to circumstances.

With regard to the landlord's obligation to maintain buildings, the words of Lord President Inglis may here be quoted. In course of his judgment in the case of Barclay v. Neilson, in June, 1878, his Lordship said :

"One obligation of a landlord at common law is to put the buildings on the farm in a proper state of repair. Another obligation also incumbent on the landlord at common law, and generally expressed in leases, is that he shall give his tenant such buildings as will enable him to cultivate the land."

As regards summer letting, . . . the true state of the facts is as follows :

There were complaints made by the tenants in the south end of the Island that their rents were too high. In 1900 the Estate Management instructed Mr. David Stevenson of Crossburn, Ayrshire, to make a valuation and report, and at a sitting of the Court on December 21st, an "Excerpt from Abstract of Reports and Valuations by Mr. Stevenson on Holdings in Southend District" was lodged with us by the Estate Management. It is backed :

"Facsimile Excerpts from Abstract of Reports and Valuations by Mr. Stevenson on Holdings in Southend District, with Notes by the late Mr. Patrick Murray thereon."

The Abstract shows the "present rent," the "new valuation," and Mr. Murray's notes. In the very first case given the "present rent" was £12 10s. Mr. Stevenson's valuation was £12. Then we have Mr. Murray's note, "add for letting £1," thus bringing up the new rent to £13.

At the foot of the same page we have a case showing the "present rent" as £26. Mr. Murray has a note, "Tenant has long complained of above rent." Mr. Stevenson's valuation was £20, and then we have Mr. Murray's further note, "Add for letting £2 10s." thus making the new rent £22 10s.

In another case where the tenant "complains of rent" (£49 15s.) "being too high," Mr. Stevenson's valuation was £42 10s. Then Mr. Murray writes, "Add for letting, £7 5s.", thus bringing up the revised rent to £49 15s.

In a case where the "present rent" was £35, and the new valuation £30, Mr. Murray's note is "No letting, reduce to £30."

In another case, the "present rent" of £20 was reduced by Mr. Stevenson to £16. Then Mr. Murray has this note, "Tenants lost money by an unfortunate litigation into which they were led, but are working hard to pay the rent. Reduce to £16 just now, to be increased to £18 when house comes to be let."

These examples illustrate the exercise of this monopoly in

some of its most obvious effects ; namely an altogether one-sided bargain in regard to the terms on which alone access to the land can be gained ; and, though the houses were built by the tenants, the landlord not only dictated the terms of the rent, but took a toll in addition on the tenant's earnings from their other occupations, in the form of arbitrarily increased rents.

Section II.—REFUSAL OF SITES, ETC.

In addition to land being withheld from agricultural and pastoral uses there are many cases where land that is wanted for house-building, for hotels, for roads and for other uses, cannot be secured for the reason that proprietors either refuse point blank or else impose exorbitant and prohibitive charges which are intended frequently to effect the same purpose as a point blank refusal. The most common reason for the proprietor's action in such rural cases is the desire to retain a large area of country for exclusive enjoyment.

One class of case is where districts, most essential for health and holiday purposes of crowded urban populations, are practically closed against them by the refusal of sites on which to build houses.

The Island of Arran, for example, until a few years ago was practically closed to the building of houses for many people from the crowded urban centres on the Clyde who wished to have houses there. No one ever questioned that it was altogether against the best interests of the crowded urban populations of Glasgow and the neighbouring towns that their people should be denied reasonable access to one of the most beautiful "coast" districts within easy reach.

In many parts of Scotland where very large districts are in the hands of one proprietor, facilities for building houses, even miles away from the proprietor's house, sometimes are not given. The following are copies of letters in which proprietors refuse building facilities though the land in question is not cultivated or built over but is merely rough uncultivated land.

I am favoured with yours of yesterday regarding feuing at —, Mr. —, however, has made up his mind to grant no further

fous of the estate in the meantime. I am, however, communicating your letter to him, and if he should reconsider the matter, I will at once let you know, but I can hold out no hope of his doing so.

I have received your letter of the — current. There is no ground available for feuing in the district you speak of.

The district is bare hillside for miles, but access to it is refused. The whole place is in the hands of a few proprietors, who can dictate the terms upon which anyone can live in it. A few retainers and dependents may be allowed to build houses, but the outside person applying for a site is refused it. If reasonable facilities were given for building, it is reported locally that there would be many new summer cottages built. Visitors from the cities would benefit, and the local community would gain by the increased traffic and prosperity so brought to these places. But this progress and development can be blocked, summarily and peremptorily, over a large district by the veto of a single person who has the power of refusing access to the land.

It is admitted generally that this policy prevents development and there is a demand that a right to appeal against such unreasonable refusal should be given to a body with power, somewhat on the lines of those of the Land Court, which would secure that the land was made available where wanted.

The following, for example, is an extract from a leading article in the *Aberdeen Free Press* (October, 16th, 1913):

It should be open to any person who wishes to build a house and who is refused a site, to go before the Land Court with his application, and if the Court were satisfied that the application was reasonable and that a fair price was being offered, it would grant it. There is no hardship here to the proprietor. The day is past when you could argue that nobody has a right to interfere with a landlord's property and prevent him acting the tyrant if he wants to. We have decided that he shall not have the power to evict agricultural tenants and that he shall be compelled to grant land for agricultural purposes to those who apply for it, and all that is now being suggested is the extension of this principle to cover sites for buildings.

REFUSAL OF SITES FOR DOCTOR'S HOUSES, INNS, ETC.

Facilities even for such necessary local services as sites for doctors', ministers', etc., houses are refused. From a variety of cases the following are taken. They were given in evidence before the recent Government Committee which inquired into the Medical service in the Highlands and Islands.* One of the obstacles in the way of securing an adequate medical service in the Highlands, the Committee stated, was the difficulty of obtaining a good house for the doctor; and they reported that the local landlord was sometimes responsible for this difficulty. Two instances may be given.

Mr. Tulloch, Eday, told the Committee :

It is the trouble with the house that is the great difficulty—there were proposals made to build one. The first thing was to go to the proprietor's agent for a site. At first they were favourable and then they refused and would not give a site.

Dr. Moir, Inverness, told the Committee :

I know of a case where a doctor had the use of a house, and the relations between the doctor and the factor became strained, and he was asked to move.

Another class of case is where the development of hotels in rural districts is prevented or where the hotel is closed. One or two examples must suffice.

The hotel-keeper at —, has desired since some time to enlarge his inn, which is now a favourite motoring route, but he cannot get permission from the local proprietor. This is in a district within easy reach of Glasgow and Edinburgh, and the district could be developed for summer cottages if facilities were given.

The following is a case where an inn was closed on a "drove" road and in one of the districts of the Highlands most desirable from a tourist point of view.

Regarding Shiel Inn, the present building, now known by the name of Shiel Lodge, was created not later than eighty years ago, when the licence was transferred to it from another building about 150 yards distant, in which the shepherd resides. This last building was what was called a "Stage Inn" for over 150

* Cd. 6920, 1913.

years, forming one of a chain of such houses of accommodation along the great drove road to the south; Kyle Rhea Inn, Cluanie Inn, Coireghoil Inn, Fort Augustus Inn, and through Badenoch, being some of the links, all remaining save in this case. I saw the other day the remains of the causeway of the outhouses for the stabling of the horses beside the old house.

A few years ago the proprietor closed it as an inn and converted it into what is designated as a "lodge."

In another class of case the opening of roads which are essential for the needs of the resident population is vigorously opposed. An example from the Highlands may be quoted:

Torridon and Shildaig in West Rosshire are only eight miles apart, but the only available road between them, open to the public, is through Lochcarron, Achnasheen, and Kinlochewe—a distance of 100 miles. There is a road joining the two places on the shorter route (thirteen miles), but three miles of it are kept strictly private; and the proprietor has refused to open this stretch to the public. There are five or six locked gates on this stretch. The proprietors of the remaining five miles allow the public the use of their five miles of the road; but the refusal of the middle stretch of three miles prevents the desired through communication. Great inconvenience is caused to the local population. The three churches, E.C., U.F.C., and F.C., for the Loch Torridon district are all situated at Shildaig, and this access to them by road is denied. The only burial ground for the same wide district, is at Annat, Torridon, and practically the only access to it is by sea. The Parish Council have tried to get the road opened, but without success. The County Council have also approached the proprietor, but so far, his permission to allow a road to be opened has not been obtained. The locality in question is one of the most picturesque in the Highlands; and the opening of the road, besides being essential to the need of the local people, would bring more visitors to the district.

Over large areas of the country it is practically impossible for anyone to get access to the land even for such an innocent purpose as viewing the scenery; and many people contrast this policy with that prevailing in other countries, *e.g.*, Switzerland, where access to hills is easy.

In other cases, instead of a direct refusal to give land on any conditions, the conditions on which alone it is given are of such a nature as to operate almost as a prohibition: *e.g.*, the land is offered only on short term lease. At the end of the

lease the buildings (erected by the tenant) of course revert to the proprietor. This short term lease prevails in many parts, here and there, throughout the country, and is regarded as the more unreasonable as the feu is the normal urban form of tenure. We have obtained evidence that these short leaseholds prevent development in the localities where they obtain. People are unwilling to erect premises there without a better security.

In all cases of this and a similar nature, we consider that power should be given for appeal to the Land Court in the locality for an order overriding such unreasonable exercise of the monopoly powers of rural ownership. It is not proposed that this power should be exercised to damage or destroy the proprietor's reasonable amenities but, on the other hand, other people are entitled to enjoy amenities also and his refusal (to be upheld) must not be unreasonable.

Section III.—THE INDULGENCE OF PREJUDICES.

That other considerations enter into the choice of tenants for farms than those of the fitness of the applicants on agricultural and financial grounds is a fact which is not seriously denied throughout the country: and it would perhaps be more than human to expect it to be otherwise, especially where there are a number of applicants for a farm, so that the landlord or his agents have a variety of persons to pick and choose from. It would perhaps be too much to expect that landlords and their agents should not allow themselves very frequently to be influenced powerfully, consciously or unconsciously, by considerations of the social position or the political and denominational opinions of the applicants and they are so, as a rule, in proportion as the proprietor is dominated by the social rather than the commercial considerations attached to his possessions. If he was dominated only by business considerations, he would doubtless select the person most efficient in the business of agriculture.

It is reported by a leading solicitor with extensive knowledge of the South-East of Scotland for example, that "the practice

prevails of letting farms to applicants whose political opinions are the same as those of the landlord. In a recent case the question was put to the applicant: 'What are your politics?' As a rule it is unnecessary to ask the question as the agent or the proprietor have already made discovery; and it is common knowledge throughout the rural districts that, on the majority of estates, farmers of Liberal politics are careful not to intrude their political opinions. It is well known, too, that one of the best ways in which to obtain a farm is by keeping on as friendly terms as possible with the factor or agent or head gamekeeper of the estate; and very frequently the agent or factor is much more ready than his master to take political and social considerations into account.

These influences are bad economically in that they discourage industrious men who rise from small beginnings, and men of the best initiative and greatest independence. This repressive force operates more actively in agriculture than in other industries. Men of excellent agricultural qualities see the way effectively barred to their progress; they lose heart and go abroad, and the bad influence extends widely. Others hear of their case and cease to expect a career in rural Scotland. They turn their eyes to the colonies, where they are assured that merit and industry are allowed a fairer run and a surer prospect of success. These influences are bad also in preventing the full economic advantage being derived from the soil. Not only are the best farmers (in the economic productive sense) deprived of reasonable hope and driven to seek an outlet for their energies elsewhere, but a premium is put on mediocre farming and under-development.

It is well recognised among landowners at present that their worst enemy is the member of their own class who uses his arbitrary monopoly power in a harsh and tyrannical manner.

Proprietors who behave justly towards their tenants are the rule; and, in the criticisms of the existing *system* of land tenure which we make here, we do not wish that point to be overlooked. But, none the less, a system which admits of the various abuses indicated is one which no fair-minded

person can regard as satisfactory. In the words of a tenant farmer :

As a matter of fact, every farmer knows of dozens of cases, past and present, of harsh legal robbery in the shape of confiscation of tenants' improvements. The argument that there are very many Scottish lairds who treat their tenants justly, is the same argument as was advanced in favour of slavery, and many people then seriously argued that because in the main, masters treated their slaves very well, therefore slavery should not be abolished. The two cases are similar. No conscientious man will take advantage of bad laws, but that is no reason for having bad laws. Most people will admit that the land laws are wrong when the following things are not only possible, but are, and have been actually done, and that not seldom :

- (1) Confiscation of a tenant's improvements.
- (2) Raising rent on a tenant's improvements.
- (3) Eviction of a tenant who has improved and sunk capital in permanent improvements, and re-letting the farm to a new tenant at a higher rent.
- (4) Eviction of a tenant because he enforced his rights re ground game, heather burning, etc.
- (5) Eviction on capricious grounds.

All these are obviously unjust, and with an absentee landlord they are very present dangers to all tenants, and militate against anything but a hand-to-mouth style of farming, good for neither landlord nor tenant, nor the country at large.

We want to make it very clear that the above statement expresses what is substantially our own conclusions. We wish to avoid any misunderstanding on this point. We make no allegations that proprietors in general are bad, and their estates badly and tyrannically managed. But we do allege that a system under which the various injustices which we have enumerated not only can, but do in fact arise, and which tends to (and in fact actually causes) under-development in many cases is one in need of such reform as will remove these opportunities for injustice and these barriers against the full and adequate use of the land.

CHAPTER XII.

SPORTING INTERESTS.

Section I.—THE RELATION OF SPORTING INTERESTS TO RURAL INDUSTRY.

The most outstanding form of this exercise of the monopoly power in the matter of the indulgence of personal pleasure as opposed to the national economic interests of a rural population occurs in the case of game preservation.

Game is undoubtedly allowed to interfere with the development of forestry and of agriculture, and farms have been taken out of cultivation and out of use for pastoral purposes and turned into rabbit warrens and deer forests.

The Royal Commission on Coast Erosion and Afforestation, (Cd. 4460-1909), for example, found that considerations of sport were a main reason why afforestation was in such a backward condition in this country. They point out :

Not only do we produce but little timber at home, but, speaking generally, the little that we do produce is not of the highest quality. Its main deficiencies consist in open and irregular grain, superabundance of large knots, a relatively large amount of soft tissue (technically known as "spring wood"), lack of durability, shortness of bole, and excessive taper. The reasons for these defects are not far to seek, although they have only been recognised of recent years. In the main they may all be attributed to a single cause, namely, a too open condition of our woodlands, that is to say, an insufficiency of trees upon the ground.

Considerations of sport have played an important part in determining the method of management of our woods. Clean boles, with high-pitched crowns, the exclusion of the sun's rays, and ground destitute of grass, weeds and bushes, are not conditions favourable to either ground or winged game. On the contrary, trees that are semi-isolated, and with low-reaching branches,

and a wood that is full of bracken, brambles, and similar undergrowth, present conditions much more attractive to the sportsman, and it is these conditions that many landowners have arranged to secure. Ground game, too, has been the cause of immense destruction amongst the young trees, and thus it has, in a measure directly brought about that condition of under-stocking which is so inimical to the growth of good timber, and to the successful results of forestry. Nor is it possible in the presence of even a moderate head of ground game to secure natural regeneration of woodlands, the young seedling trees being nibbled over almost as soon as they appear above ground. So intimate is the association in the United Kingdom between sport and forestry, that even on an estate that is considered to possess some of the best managed woods in England, the sylvicultural details have to be accommodated to the hunting and shooting, and trees must be taken down in different places to make cover for foxes, and so on.

There are a very large number of cases throughout the country in which land is withdrawn from the purposes of agriculture or pasture in the interests of game. A few are given in this Report.

The interests of sport have a double effect, militating against agriculture and productive of under-development of the land and its resources. In the first place sport is given first consideration so that full development is prevented and agricultural interests are neglected; and in the second place land is wholly excluded from use for the purposes of agriculture or rural development.

So much misunderstanding arises regarding the point of view from which the question of sport is regarded that we wish to make our point of view clear.

We do not criticise the indulgence in any reasonable form of sport where that indulgence is not carried to a point which is seriously and undeniably detrimental to the preservation of a rural population and the interests of local agriculturists. The position we adopt in the matter is this: We consider that the land of the country should be turned to full account, and that a reasonable maximum product of what it can produce of economic output should be taken from it, this production being conducted on the ordinary business principles that it should pay for the labour, capital, etc., expended in

realising it. And where the opportunities for this economic production are clearly hampered or curtailed by overriding demands for the indulgence of sport, we consider it a matter for remedial action; it leads to underproduction of economic output and to rural decay.

We agree with the point of view very well expressed in an article in the *Times* newspaper of 14th November, 1913, which states:

The proper production of the soil—and we may treat stock as such a product—comes first. Even if sportsmen spend large sums in a neighbourhood, as large as the agricultural wage-payer himself, this is no sound argument in favour of sport. The expenditure may be some palliation locally, but to compare the distribution of wealth with the production of wealth, as if the two were of the same nature is bad logic and bad economics.

It follows, therefore, that we do not necessarily accept the plea that the best use of an estate is its dedication to purposes of sport, even although it may be shown that it can in fact realise a larger net profit to the proprietor when so let than if turned to purposes of agriculture or forestry. Nor do we accept it as satisfactory from a national point of view that any estate management should plead its poverty as a sufficient reason for the extinction of farms or the increase in its sporting lands, on the plea that it is a little cheaper to the estate management to allow the buildings on the farm to fall into decay than to repair them, and more profitable to increase the sporting rental than to equip the farms.

Similarly we do not think it a sound principle that one man, in the unreasonable indulgence of an extravagant sport, should be allowed to retain practically as an uninhabited and unutilised desert an enormous area of country which might be economically used for the production of sheep, cattle, trees, etc., and support a considerable population.

Speaking of Scotland generally, the game question falls roughly into two divisions, the Highlands and the remaining parts of Scotland. Throughout the Lowland counties, the game question does not differ materially from the similar question in England, but in the Highlands, owing to the prevalence of deer forests, it assumes a much larger aspect.

Section II.—GAME : GROUND AND WINGED.

The owner of land has power to reserve the right to take and kill game, and he can let this right to any person. Whether he himself kills the game or lets the right to someone else, he very frequently has a strong interest in maintaining as much game as possible on the land for the purposes of his own sport (if he kills it himself) or in order to obtain a larger rent if he lets it.

In proportion, then, as land is heavily stocked with game, and is not sufficiently enclosed, it is the more likely that agriculturists in its neighbourhood will suffer from the depredations of game. It is not in the nature of things that birds and animals should make a nice distinction as to the precise legal ownership of the most tempting agricultural crops which appeal to their often voracious appetites, and it is equally impossible to enclose all winged game, for example, in such a manner as to prevent them from straying beyond what are their legally allocated bounds.

It is to be recognised then, that, short of the complete destruction of game there is certain to be damage inflicted by game on crops, just as there is by birds and animals classified commonly as vermin. In the eyes of the laborious agriculturist keen only on obtaining the maximum agricultural product from his land, all the birds and other animals which hinder his efforts are, more or less, in the one category of "vermin." But, whereas he is free to deal with rats, etc., as he pleases, his powers in regard to grouse, deer, rabbits, etc., are strictly limited by law, for the reason that, as already explained, the presence of these on the land is a form of property with which the owner of the land can deal for valuable consideration.

Prior to the passing of the Ground Game Act of 1880, while an agricultural tenant was prohibited from killing hares, he had a common law right for the protection of his crops to destroy rabbits upon his holding, but this right could be excluded by the conditions of his lease.

By the Ground Game Act, however, Parliament, in the interests of good husbandry, and to provide better security for capital and labour invested by occupiers of land in the cultivation of the soil, made provision enabling the farmer better to protect his crops against damage by rabbits and hares, by giving him an inalienable right to kill the ground game. The proprietor, however, still has a right, concurrent with the tenant, to kill the ground game on the farm. A tenant has no claim except (in special circumstances) a common law claim for damages against the proprietor for damage done by ground game from neighbouring coverts, it being held that he must rely on his own exertions to protect his crops. It is instructive to keep in view that the objects of the Act, as contained in the preamble, were to further the interests of good husbandry, and to provide better security for the capital and labour invested by occupiers of land in the cultivation of the soil, by enabling them to protect their crops from injury and loss by ground game. A not uncommon practice is for a nominal rent to be put on the ground game when the tenant is negotiating for the farm, such rent being treated nominally as a deduction from the rent at which the farm is supposed to be let.

Thus, for example, a farm worth £250 per annum is regarded for this purpose as worth £280 per annum, and it is agreed by the landlord to pay the tenant a rent of £30 a year so long as the tenant does not exercise his rights under the Ground Game Act. The rent actually payable by the tenant is thus the £250 in half-yearly instalments the receipt for which is made out £140 less £15 (or £125). Immediately the tenant exercises his legal rights in regard to game the full rent of £140 is exacted.

As regards damage done by winged game and deer, the tenant farmer has the right under the Agricultural Holdings (S) Act, 1908, to claim compensation where the amount of such damage exceeds 1s. per acre. It is a condition of the claim for compensation that the tenant shall not have had power granted to him to destroy the game which caused it.

Throughout the country much greater damage is done by game in some districts than in others and compensation is sometimes paid more readily. But, speaking generally, in a

very large number of cases, representing in the aggregate very great damage to crops, no compensation is in fact obtained.

There are various reasons for this.

In the first place, the machinery for recovery is cumbersome and expensive, and secondly the farmers hesitate to take their landlord or his sporting tenant into Court for fear of having a refusal to renew their leases when these expire. The sporting tenant, if the shootings be let, has access to all the land of the farm, and as his interests usually receive prior consideration by the landlord; any claim which might be made against him by the farmer is commonly regarded throughout the country as certain to raise bad feeling and to result in a black mark (as it frequently is described locally) being placed against his name in the estate books. This may result in the farmer losing his farm at the end of the lease.

A tenant exercising his rights under the Ground Game Act, and killing hares and rabbits, often finds that this is resented by the landlord, and he is led to understand that if he does not desist he may find himself dispossessed at the end of his lease.

In some districts yearly tenancies only are granted; in others leases of two years, or leases with a mutual break every three years are the rule. This is frequently understood locally (and by no person more clearly than the tenant farmers concerned) as providing an opportunity for the landlord to terminate a tenancy should he be annoyed by claims for damage by winged game or deer, or by the tenant exercising his right to kill the ground game.

There is a practice in certain districts whereby the landlord reserves to himself the right to retake possession of a small part of a farm at a valuation in order to provide a covert for raising game. The existence of these coverts is a serious grievance and source of loss on account of the depredations of the game which affect both arable and pasture land. Even as regards ground game, the farmer can only kill it *on his holding*; he cannot follow it into the coverts and kill it there.

The difficulty in assessing damage by game is great, especially where the damage is spread over a considerable area.

In some districts it is the practice of the proprietor to agree with the tenants of sheep farms that in the interests of sport and for the better raising of game, a portion only (*e.g.*, one half) of the possible sheep stock is to be put on the land.

Section III.—DAMAGE BY GAME: TYPICAL EXTRACTS.

The following are typical extracts from the schedules from different parishes:

ABERDEENSHIRE (R.B. 4).—This is a game district, and on all estates the sporting interest comes first; winged game are carefully preserved; and on most low ground large numbers of pheasants are artificially reared near to grain crops. It is almost impossible for farmers to obtain compensation, because in most cases, instead of having to deal with a practical man, he is left to the mercy of a lawyer factor.

(R.B. 11).—A good deal of damage is done in certain quarters here. The loss done by game is seldom in whole made good. Redress is in practice extremely difficult to obtain. Likewise, legal proceedings are a course the tenant naturally shrinks from following, knowing full well he would have to leave his holding at the end of the lease.

(R.B. 12).—A good deal of damage is done, and this loss is not usually voluntarily made good to the sufferer. He may have legal redress, but the uncertainty and expense of going to law for redress, with the landlord's power over the tenant at the end of his lease, make too many bear the ills they know, than risk those they may not know—to say nothing of the occupier's dislike to take the landlord into Court.

(R.B. 13).—The loss is not made good unless the tenant forces the landlord. Under the Agricultural Holdings Act, 1908, compensation is available, but to obtain the same is not always easy.

Farmers do not like to sue the landlord for fear of being shifted at the end of the lease.

BERWICKSHIRE (R.B.B. 201).—Plantations, not part of the farm exist where pheasants are reared by the game lessee, and the birds feed on the crops growing in the adjacent fields. Although the farmer has the right to kill rabbits and hares on his own land, he is not allowed to enter the plantations where they take refuge and breed, and whence they issue and feed on the farmer's crops.

KIRCARDINESHIRE (R.B. 23).—There is cause for complaint regarding game, but such claims have a tendency to raise bad feeling when insisted on, and consequently the farmer loses rather than complain.

KIRKCUDBRIGHTSHIRE (S.S.S. 44).—The farms are let to an agricultural tenant: thereafter the game is frequently let to a game tenant, the latter having access to all the land. The game tenant's interest is usually considered first by the landlord, and any farmer complaining of any of the many small abuses inflicted on stock and crop, certainly gets a black mark placed against his name on the estate books.

PEEBLES AND SELKIRK (R.B. 27).—A great deal of damage is done by hares, rabbits and pheasants. Unless the damage is considerable no compensation is paid, and it is almost impossible to estimate the damage done.

ROXBURGHSHIRE (R.B. 29).—The game lessee here has taken to the rearing of pheasants, setting down large numbers in the early summer: this year particularly a large number was set down in a narrow strip of plantation adjacent to the — fields, whereby much damage was done.

(R.B. 30).—The loss is not generally made good. The cultivator has, in practice, no redress, because if he insists fully on his legal rights, friction arises with the landlord or the shooting tenant. Knowing this, and in fear of notice to quit, few tenants assert themselves.

ROSS AND CROMARTY (S.S.S. 80).—Every farm in the parish of — has bits planted out for game purposes.

WIGTOWNSHIRE (S.S.S. 86).—A gentleman sometimes takes off a piece of rough land off the side or middle of a farm and converts it into a game preserve. Of course, the land taken off would never keep the rabbits and winged game, but there is often a clause in a lease that a proprietor can take that at a valuation, (I have been an arbiter) and the tenant cannot help himself. Very often the farmer has a very big loss from winged game on his crop which he has not the power to kill; even if he exerts his right to kill ground game, the proprietor makes it too hot for him.

PERTHSHIRE (R.B. 33).—A good deal of damage is done in this district, especially near —, where the deer come down in winter in large numbers notwithstanding the fences.

(R.B. 38).—A great deal of damage is so done ; more especially by rabbits, black game and hand-reared pheasants. The — farms are over-run with rabbits that are fast ruining the grazing lands.

Claims are seldom made : their result when made is small and certainly not worth the bad blood raised, and the moral certainty that a plausible excuse will be found to get rid of the "exacting" tenant.

DUMBARTONSHIRE (R.B. 42).—The damage done in this locality by game is incalculable. The part of — Farm, that was not thrown into — Deer Forest, offers a good instance. In 1910 the farmer had twenty-seven stacks of hay ; rabbits were put in by the shooting tenant, with the permission of the factor : In 1911, an unusually favourable year, only seven stacks of hay were got by the same tenant from the same land. Deer infest — Farm at all times. There are 300 deer on the hills above it, and the estate will put up no fences.

STIBLINGSHIRE (R.B. 44).—A good deal of the land here would be better farmed were it not for game rent derived from it in the season.

(S.S.S. 98).—Scattered over this district are a number of moderately-sized plantations providing cover for small game.

The existence of these coverts is a great grievance and source of loss to the occupiers of adjoining lands, on account of the serious inroads made on crops and pasture by ground game. The Ground Game Act provides no remedy for this grievance.

PERTSHIRE (S.S.S. 101).—The deer come down in winter and cause much annoyance and damage to the farmers and crofters in this district.

(S.S.S. 102).—On the estate of —, the tenants of sheep farms are restricted to half the possible stock of sheep so that their land may be used for shooting purposes by the landlord. This shooting is for his private use and is never let.

The injury inflicted is not confined to the actual damage done by the game. Farmers are discouraged generally, where the game nuisance is considerable, from developing their crops as highly as they otherwise would. Industries are also discouraged in order to protect game from disturbance.

Section IV.—DAMAGE BY DEER.

There are many complaints from crofters of the loss sustained by their crops when their land is near to deer forests or grouse preserves. It is a well-known fact that the grouse shootings in the Highlands which are adjacent to crofting communities are better than those which are distant from such sources of food supply.

The crofter has the redress provided under Section 9, of the Agricultural Holdings (Scotland) Act, 1908; and under Section 10 (3) of the Small Landholders (Scotland) Act, 1911, it is provided that in default of agreement being arrived at, after the damage has been suffered, the compensation payable is to be determined by the Land Court instead of by an arbiter.

The following is from a report by a well-known agriculturist :

Cases are not uncommon where deer are fed in winter at the corner of the forest nearest human habitation. They become very tame at this time and mix freely with the crofters' cattle in the Highlands.

On the approach of a snowstorm large herds of deer flock to the lower ground and where that lower ground is let to small holders the damage done for a week or two by a herd of several hundred deer is incalculable at a time when the means of subsistence is at a premium for sheep.

The provisions for providing compensation have been found a total failure because of the difficulty in watching and counting the numbers and the roving and roaming disposition of the stag.

I saw as many as 150 to 200 deer browsing on a patch of about 160 acres of crofters' pasture on 31st December, 1913.

It is felt by those who have and are suffering from this pest that no legislation short of power to shoot trespassing stags can ever remedy this evil.

As typical examples also of damage suffered by small-holders from game, a few instances may be taken from the evidence publicly given before the Land Court.

During the hearing of cases by the Land Court in Arran, various instances were given (and were not questioned by the estate agents) in which the tenants suffered severely from game. For example : at Brodick on 27th November, 1912, Alexander Miller, Margeneish, in complaining of the damage

done by deer and grouse to his crops and potato pits mentioned that lately he employed a boy to herd off grouse from his fields.

At Brodrick on the 12th November, the following evidence was given in the Court. Lord Kennedy presided, and Colonel Dudgeon and Mr. Dewar were the other members of the Court who heard the cases. The estate factor was present as well as a solicitor representing the trustees for the estate :

Further accounts of trespassing were given. Mr. Archibald Currie, who succeeded twenty-seven or twenty-eight years ago to a holding at Drumaghiner, formerly occupied successively by his grandfather and his uncle, stated that in 1907 a deer-fence was erected round his land. He was supplied with the stobs, posts and wires from the estate, but he himself had to put the fence up, and he had to cart the material from Brodrick, a distance of thirteen miles. The carting and the construction of the fence occupied about a month's time.

Mrs. Mary M'Kelvie, a widow, who conducts a croft at Kilpatrick, also complained of deer trespassing on her crops some years ago. The deer ate a pit of potatoes, consuming half a ton. She made a claim to the estate, but received no compensation. Four years ago the grouse destroyed about £10 worth of corn. She asked for an abatement of rent, but received none.

The following is from the evidence given before the Land Court at Strontian, on December 2nd, 1913 (Mr. Norman Reid presiding) :

Alexander Stewart, Scotstown, complained of the damage done to his crops by game, particularly deer and pheasants.

In reply to Mr. Reid, he stated that the deer ate up and destroyed the corn in August and September.

Allan Cameron, Ardnastaing, complained similarly of the ravages to crops by game. The township let their wintering for £19, but nearly all that sum had been expended in repairing the fence round the common pasture.

John M'Arthur was examined.

MR. REID : Do they rear pheasants here ?

APPLICANT : No, but they rear themselves on my croft. (Laughter).

The following extract from the *Glasgow Herald* of January

23rd, 1914, refers to the Court's awards in these cases at Strontian :

The cumulo total of the old rent amounted to £159 8s. 2d., and the new rents fixed by the Court aggregate £114 16s. 0d. ; being a reduction nearly equivalent to 30 per cent. The Commissioner who heard the applications states in the findings that it is clear that the Township of Scotstown suffers a good deal from ravages by deer, the holders' oats and potatoes being seriously damaged by eating and trampling. The Court suggest to the Estate that it should consider whether the arable land should not be fenced in with a deer fence so as to prevent injury to crops in future.

As regards damage done by deer a good deal of trouble would be avoided if, in every case, the deer forest was fully and effectually fenced. As a practical proposition, however, it has to be recollected that, in a severe winter when the deer in an over-stocked deer forest are practically starving, they often show surprising activity in getting past deer fences.

We fully recognise that a certain amount of the irritation regarding game and the question of the damage it does to crops arises from the almost sacred value which landowners and gamekeepers frequently put on game. This feeling has been intensified in many cases by the officious action of gamekeepers.

In the first Chapter (p. 8) we give the figures as to the number of gamekeepers which show a steady increase within recent years.

CHAPTER XIII.

DEER FORESTS.

Section I.—EXTENT OF DEER FORESTS.

Out of a total acreage of 19,070,466 in Scotland, 3,599,744, or about one fifth, are occupied by deer forests, or otherwise *exclusively* devoted to sport. This does not include lands in which though the sporting interest is very large there are also substantial interests of sheep grazing or other forms of farming. In addition, there are many other large areas partly but not exclusively devoted to sport.

The fact that nearly one-fifth of the total area of the country should be given over practically exclusively to sport, a purpose economically unproductive, should be considered in connection with the finding of the Royal Commission on Coast Erosion and Afforestation that over one quarter of the area of the country could with economic advantage, and on a paying basis, be afforested; and a large part of that area is included within the present deer forest areas. (See Chapter on Afforestation.)

The deer forests are chiefly in Argyll, Inverness, Ross and Cromarty, Sutherland, and Caithness. There are several in Aberdeen, Banff, Forfar, Dumbarton and Perth.

There are some 200 forests, ranging in extent from some 100 acres to 110,000 acres. There are nine deer forests of over 40,000 acres each in extent, viz: Mar (110,000 acres), belonging to the Trustees of the Duke of Fife; Ben Armine and Dalnessie and Loch Choire (67,080 acres), the Duke of Sutherland; Glendhu and Reay (80,970 acres) the Duke of Sutherland; Blackmount (80,000 acres), the Marquis of Breadalbane; Corrour Fersit, etc. (including grazing) (56,521

acres), Sir J. Stirling-Maxwell; Strathconon (including shootings) (52,000 acres), Captain Christian Combe; Fisherfield (46,700 acres), the Marquis of Zetland; Glenavon (42,000 acres), the Duke of Richmond and Gordon; Park (41,913 acres), Major Duncan Matheson.

The most recent official information under counties is that contained in the return (538) issued last year (1913). It gives particulars of all deer forests and lands exclusively devoted to sport in the various counties of Scotland as at the coming into operation of the Small Landholders (Scotland) Act, 1911, according to the valuation roll for the year 1911-12 and the information is summarised in the following table:

County.	Total acreage.	Acreage below 1,000 feet.	Rental as in Valuation Roll.		
			£	s.	d.
Aberdeen . . .	240,970	7,332	13,543	0	0
Argyll . . .	392,764	35,691	15,094	0	0
Ayr . . .	954	954	144	0	0
Banff . . .	74,540	240	4,535	0	0
Bute . . .	4,967	2,238	315	0	0
Caithness . . .	93,856	46,581	4,084	7	0
Dumbarton . . .	9,338	1,038	348	15	0
Elgin . . .	10,140	7,140	390	0	0
Fife . . .	1,193	1,193	30	0	0
Forfar . . .	57,580	750	5,515	0	0
Inverness . . .	1,081,172	142,426	65,311	0	0
Kincardine . . .	5,850	5,200	673	0	0
Kircudbright . . .	2,752	152	235	0	0
Lanark . . .	320	120	65	0	0
Perth . . .	259,086	13,687	17,810	0	0
Renfrew . . .	95	95	50	0	0
Ross and Cromarty . . .	927,854	65,191	40,845	0	0
Sutherland . . .	436,323	270,190	14,800	0	0
Grand total	3,599,744	602,218	183,788	2	0

Appended to the detailed statistics are these notes:

Following previous returns there are included in this return all deer forests and such other lands as are devoted exclusively to the sport of shooting.

Most of the information for this return has been obtained through the County assessors from the proprietors or their agents, but in a number of cases particulars have been obtained from the Lands Valuation Department of the Inland Revenue. The acreage and altitudes entered are in very many cases merely estimated, and they cannot, therefore, be regarded as exact. Many of the deer forests are used for grazing some farm stock also, and in a number of cases they include considerable extents of woodland.

The above total area of 602,218 acres below 1,000 feet is exclusive of the subjects of which the area below that level is not known. The total area of these excluded subjects is 1,136,887 acres.

In many cases the rental includes other subjects.

Nor must it be assumed that the figures given in the above return of the area devoted to deer forests tell the whole story. In two respects mainly the above total of three and a half millions of acres of Scottish soil devoted to sport is defective.

In the first place, it is not compulsory on owners to make returns, and there are obvious defects in their compilation. It is alleged that as owners of forests generally suspect that the purposes for which information is desired are not altogether favourable to their interests, they are not particularly disposed voluntarily to give accurate information. In the second place, large areas throughout Scotland nominally returned as agricultural or pastoral farms are in fact used practically altogether for sporting purposes.

In addition to the utilisation of this land for the purposes of this costly sport it is to be remembered that throughout the area devoted to deer forests there is serious deterioration in drainage, in the quality of the grass grown on the land, etc. This is borne out by the fact that throughout these areas there are many remains of small houses and evidences of land which formerly was cultivated, but has steadily depreciated ever since it has been given over exclusively to sport.

In addition to deterioration of much land under deer, there

is also reported a deterioration in the deer themselves. Mr. William Ross, the head deer-stalker at Kildonan, gives as his opinion that stags have degenerated much in the past fifty years both in body and heads. The antlers of those years were darker, rougher and better than those of to-day. This is the opinion shared by many other experts, some of whom suggest that it is due in part to over-stocking of the forests with deer, while others suggest that it is due to the deterioration of the food supply now grown in the deer forest. On the eviction of the crofters, their patches of cultivated ground for many years grew luxuriant herbage, but gradually the ground has gone back to the more or less barren state in which it was before reclaimed by the crofters. (See Chapter II.)

Section II.—AREA OF DEER FORESTS IN DIFFERENT YEARS.

The area of land devoted to deer forests has steadily increased. The deer forests in the counties of Argyll, Inverness, Ross and Cromarty, Sutherland, Caithness, Orkney and Shetland have increased as follows (Parliamentary Paper 220-1908.)

ACREAGE.

1883	1898	1904	1908
1,709,892	2,510,625	2,920,097	2,938,490

In the counties other than the above there were in 1908, 561,188 acres of deer forest and lands exclusively devoted to sport (Parliamentary Paper 344-1908.):

The figures, then, for Scotland, of land devoted exclusively to sport are :

ACREAGE.

1908	1912
3,519,678	3,599,744

These totals are subject to the same remarks as in the previous section as regards their incompleteness on the side of not fully representing the actual area devoted to sport.

Section III.—SPORTING AND GRAZING INTERESTS.

It is recognised that the Highland moors, for example, have a sporting use as regards grouse shooting, etc., which could subsist quite well with their use as grazing land for the stock of farmers and crofters. From time immemorial these hills have carried deer; and no reasonable man has ever suggested that they should not carry deer if not to the detriment or exclusion of sheep stock. But what people outside the Highlands so seldom realise is that the farming and the smallholdings question in the Highlands is very commonly linked with the necessity of a large area for hill pasture for the sheep and cattle stock of each community. There is nothing quite similar to this in regard to the smallholdings question anywhere else in Great Britain. But it is of the most vital necessity to their success in the Highlands. The chief point of conflict with the deer forest interest in this respect is not that there are deer on these pasture lands, but that the exclusive occupation for deer of these grazing lands deprives the cultivator of enormous areas which are essential to the success of his farming.

To take an example from the Highlands: In 1904 the Congested Districts Board acquired the estate of Glendale in Skye by purchase at public auction (£15,000 for an area of 20,000 acres). This estate was purchased by the tenants on a system of yearly payments to extend over fifty years, the purchase being made under rules and regulations drawn

up by the Congested Districts Board. The fishings and shootings are let on behalf of the proprietors, by the Glendale Crofters' Estates Committee. The advertisement setting forth the sporting capacity of the estate declares that

the bag should include 150 brace of grouse and a good many snipe besides other Highland game in considerable numbers.

Section IV.—THE WITHDRAWAL OF LAND FROM AGRICULTURAL AND GRAZING USES FOR PURPOSES OF SPORT.

On the other hand the dedication absolutely to sport of land which could be used for productive agricultural and forestry purposes (sometimes arable as in the low-lying land in the valleys, more frequently for grazing as in the higher hill lands, or for afforestation as in the middle altitudes) is a matter which no reasonable person can defend. It is a misuse of land of the worst kind from a national and economic point of view. It withdraws from the resident population their opportunities of productive occupation on the land, and gives that land to be used as an expensive luxury, economically producing nothing, by a very small class (numerically) of the population.

It is in addition the factor of exclusive occupation that raises such bitter opposition in the case of large deer forests. The case of grouse and other game, including stags, on the smallholders grazing land has been already mentioned. That is a different case. The land is being grazed on by sheep and cattle, and people have access to it. But in the large deer forest every intruder is jealously warned off; sheep (if there are any) are taken off the land in the shooting season and even grouse and other birds sometimes are kept at a minimum; the point being that, if there are many coveys of grouse, for example, on the hills, a man stalking deer is extremely likely to raise some of the grouse unexpectedly. The deer then take alarm from the grouse and move off. Keepers are posted at any likely point of intrusion during the shooting season to warn off even the most harmless and casual tourist

intent merely on having access to the hills and admiring the scenery. Houses of residents (other than keepers) are pulled down; farms are destroyed and everything that can possibly be done to secure a wilderness is carried out. And the object of it all is to secure that the deer will not be disturbed, for deer are extremely shy in autumn when there is plenty of food for them on the hills, and they take fright and may run miles when they are disturbed, so that a man stalking them may have his day's expectation of the number he will kill altogether upset by the intrusion on the landscape of a casual human being. Reports are brought to him, before he starts forth, by his keeper that the herd of deer are grazing on the slopes of Ben——. His plans are laid accordingly; but the appearance of a casual stranger on the hills in the meantime may scare the deer away and upset completely the plans for the day's sport. Therefore the desired object is to secure what is as near an approach to a desert as possible. Few persons have walked into a deer forest in the shooting season without being assailed first of all with menaces and threats by watchers to turn back, and when these fail (for the legal process to sustain an action of trespass is difficult) by entreaties on the part of the watcher that it is as much as his job is worth if the intruders go on.

The value of a deer forest tends to be inversely in proportion to the number of people located on it or in its vicinity. Hence the extinction of many holdings and also of tourist traffic in many of the places with the finest scenery in the Highlands.

So much misunderstanding exists on this matter of deer-forests that we wish to make it very clear that it is against the wasteful utilisation of land (which admittedly could be used for economically productive purposes—grazing sheep and cattle, afforestation, etc.) for practically non-productive purposes and in the most exclusive, anti-social manner possible that the gravamen of the charge rests. It is not in a criticism of sport *qua* sport. It is a criticism of the entire disuse of land in the name of an indulgence in the most extravagant of luxuries.

The following extract, for instance, from Mr. Grimble's book

on "The Deer Forests of Scotland" represents the sportsman's point of view. It is a book written by a sportsman for sportsmen: and exhibits very fairly the point of view which, not unnaturally is uppermost in the mind of the shooting tenant, namely the number of the stags and the absence of people in the forest. (*The italics are our own.*)

FOREST OF MACDONALD OR SCONSER, BROADFORD, INVERNESS-SHIRE

There are *no crofters on this property, but the tourists are very troublesome*, keeping the deer constantly on the move and spoiling many stalks, so much so, that the average kill is but twelve stags a season.

This indicates the anti-social element which is the most characteristic feature of the deer forest. Any person at all, even the most casual visitor, is a source of "trouble" and to be kept away.

In earlier chapters many instances have been given of land cleared of houses and farms in the interests of sport, and (as already shown) there has been a continuous increase in the area devoted to deer forest.

It is not always realised how far this anti-social spirit is carried. The following are a few extracts from advertisements regarding estates wanted for purchase and for sale. (*The italics are our own.*)

Extracts from "Dowell's List of Scottish Sporting Estates for Sale": Edited by James Dowell—Season 1914.

SCOTTISH ESTATES WANTED TO PURCHASE.

DEER FOREST.—Wanted in good district; must be stag forest. Small house only desired. *As few crofters as possible.*

HIGHLAND ESTATE, with 600 to 700 brace grouse, and a few stags; salmon and trout fishing, on or near Highland Railway preferred; not North of Inverness. Home farm, *but few tenants desired.*

SCOTTISH ESTATES FOR SALE.

ARGYLL.—Magnificent sporting estate, with unique residential qualifications, comprising practically the whole of charming valley, intersected by good salmon and sea-trout river. Good yacht anchorage. Commodious mansion, also shooting lodge. Suitable stabling and kennels. Fine gardens. Well stocked grouse moor, good for 700 brace. One hundred salmon and 300 sea-trout. *No crofters.* Rental about £4,000.

ARGYLL, OBAN DISTRICT.—(Charming estate of 1,000 acres, affording every variety of Highland game. Good mansion house, with many modern improvements. Two good farms. *No crofters*. Rental £431. Price, £14,000 (not less).

INVERNESS.—Important residential estate, with valuable woods, fully matured. Capital large mansion house. *No crofters*; good farm tenants; acreage, 2,300 acres. Rental, exclusive of shooting, £1,700.

WEST COAST ISLAND.—Would make excellent small deer forest; good rough, wild fowl and winter shootings. Several lochs on island, and suitable site for mansion. *No crofters*.

WEST COAST ISLAND.—With excellent site for a house; *only five or six crofters, rest of inhabitants being cottagers*; large loch in the centre of the island, and a smaller loch drained by river, which should yield good sea-trout fishing; excellent yacht anchorage. Ninety-six duck in two and a half days were bagged; famous for wild geese.

Section V.—SPORTING OR GRAZING LAND AVAILABLE FOR EXTENSION OF HOLDINGS.

In many parts of the country land which formerly was under cultivation is now entirely preserved as deer forests, grouse moors or rabbit warrens. Farms have been taken into proprietors' own hands purely for sporting purposes. This has had the effect of depopulating many large areas.

The Royal Commission (Highlands and Islands, 1892,) made enquiry as to the land in the Highland Counties (Argyll, Inverness, Ross and Cromarty, Sutherland and Caithness, Orkney and Shetland) then occupied for sporting or grazing purposes which was suitable for small holdings. After three years of investigation the Commission reported in 1895 that there were 1,782,785 acres of land in these counties not occupied by small holdings, but used for sporting or grazing purposes, which were suitable for small holdings. The areas in the different counties and other details are as follows:

Number of acres of land then used for sporting or grazing purposes which the Royal Commission scheduled as suitable for holdings: (C. 7681, 1895; p. xxii.)

A.—NEW HOLDINGS.

	Old arable.	Pasture.	Total.	Grand total.
Argyll . . .	21,247	211,268	232,515	794,750
Inverness . . .	17,559	255,950	273,509	
Ross and Cromarty . . .	3,076	68,037	71,113	
Sutherland . . .	2,426	154,234	156,660	
Caithness . . .	2,234	31,421	33,655	
Orkney . . .	1,314	2,958	4,272	
Shetland . . .	2,246	20,780	23,026	

B.—EXTENSION OF EXISTING HOLDINGS.

	Old arable.	Pasture.	Total.	
Argyll . . .	457	34,151	34,608	439,188
Inverness . . .	1,674	127,146	128,820	
Ross and Cromarty . . .	1,033	116,065	117,098	
Sutherland . . .	370	118,892	119,262	
Caithness . . .	270	12,595	12,865	
Orkney . . .	356	8,357	8,713	
Shetland . . .	368	17,454	17,822	

C.—MODERATELY-SIZED FARMS.

Argyll . . .	1,412	105,278	106,690	548,847
Inverness . . .	1,546	145,723	147,269	
Ross and Cromarty . . .	1,436	133,586	135,022	
Sutherland . . .	1,500	118,476	119,976	
Caithness . . .	499	39,391	39,890	
Orkney . . .	—	—	—	
Shetland . . .	—	—	—	
			Grand total	1,782,785

As shown in a preceding section the area under deer forest has largely increased since the date of the above Report, and

this increase has been very largely in respect of land previously utilised by farms and holdings for agricultural and pastoral purposes.

Section VI.—DEER FORESTS AND SMALL HOLDINGS.

We have obtained information, from all the counties where deer forests are found that a considerable area of land at present under deer could be utilised for smallholdings.

It is so frequently asserted that no land at present under deer is suitable for small holdings that from a large mass of evidence, we may quote a few cases from the judicial proceedings of the Crofters Commission in which land under deer has been expressly assigned for the purposes of smallholdings by the decision of the Commission.

The following is an extract from Parliamentary Paper Cd. 6788, 1912, (Report of the Crofter Commission for the period from 31st December, 1910 to 31st March, 1912). (*The italics are our own.*)

Twenty-eight crofters in the townships of Morefield, Strathan, Rhue, Ardmail and Glutton, on the estate of Coigach, belonging to the Countess of Cromartie, applied for enlargements of their holdings, by taking part of the lands of *Glastullich forming part of the Deer Forest of Rhidorroch. Glastullich had formerly been a small farm*, considerably above the crofting limit. In 1890, an application for enlargement by crofters in the above-named townships by taking a part of it, was refused on the ground that the annual rent of the whole farm did not exceed £100. In 1902, however, the estate management assigned 1,400 acres of Glastullich to thirty-seven crofters in these townships, at a rent to be fixed by us. *The remainder of the farm was then added to the Deer Forest of Rhidorroch, and formed part of the same at the date of the application under notice.*

The application was opposed by the estate management . . . but we were satisfied that the assigning of the land applied for would be beneficial to the applicants and would not impair the use of the remainder of the deer forest. . . .

At the time the application was presented, and at the time we came to deal with it, the land applied for formed part of the deer forest . . . We accordingly repelled the objection, and assigned to the eighteen remaining applicants an area of 1,370 acres, to be possessed by them as part of their holdings under the Act, in eighteen equal shares.

One other similar case from these proceedings may be quoted :

Peter Macrae and others in Camus-nan-Gall, etc., Lochbroom, on the estate of Mr. Hugh Mackenzie, of Dundonnell. They applied for a portion of the Deer Forest of Dundonnell, the part applied for being locally known as Coille-Gharbh. It extended to 835 acres, and stretched from the mountain tops down to the public road, running parallel to the Southern shore of Little Lochbroom.

The proprietor opposed the application. He explained that the low-lying part of the land applied for was used by him for grazing the hirsels belonging to the Home Farm of Dundonnell, and that it was cut off by a wire fence from the remainder of the forest. He also stated that the whole of the low-lying land was important for the wintering of deer.

At the hearing of the application, which subsequently took place at Ullapool, the agent for the proprietor, offered the applicants in satisfaction of their application the ground on both sides of the public road previously mentioned. This ground included the ground pleaded as of importance for grazing the sheep on the home hirsels and the wintering of deer.

After inspecting the ground, we assigned to Peter Macrae and other three applicants from Camus-nan-Gall, and one applicant from the neighbouring township of Ardeasie, the land applied for, extending to 835 acres or thereby, at a total rent of £20, conditionally on their erecting a stock-proof fence along a line defined in our order and conform to our specification.

As an example of the difficulty of obtaining land very indifferently utilised for grazing and sport, for purposes of enlarging holdings a case heard at the same time as the preceding case, may be quoted.

• We dealt with another application for enlargement of holdings from the same estate, the land applied for being the Island of Gruinard. At one time the island had been inhabited, and the walls of the old habitation may still be seen, but for a great length of time it has been used as a sheep grazing, and latterly has been overrun with rabbits. It extends to 77 acres old arable, and 391 acres pasture, or 468 in all, and was scheduled by the Deer Forests Commission as suitable for new holdings.

In 1906, certain crofters of the township of Badluarach, on the Dundonnell Estate applied for enlargement of their holdings by taking the said island. The application, was however, opposed, mainly on the ground that the island was let as a separate holding at a rent not exceeding £100, and that therefore the application

was struck at by Section 13 (3) (c) of the Act. To this objection we gave effect and dismissed the application.

It is proper to add, however, that although the island was not contiguous to the applicants' holdings, it was the nearest land on the same estate from which they could get enlargement.

In 1911, six crofters from the same township made application for enlargement of their holdings, by taking the same island. The proprietor again opposed the application on the same or similar grounds, to those stated in 1906. In view of the judgment in that case he pleaded that the matter was *res judicata*, there having been no change of circumstances since the former order was pronounced. He further submitted that in view of the said order the application was nimious and oppressive, and that the applicants should be found liable in expenses.

Subsequent to the lodging of the Minute of Objections, the landlord's representative and the applicants entered into negotiations, with the result that these objections were departed from, and an agreement entered into between the proprietor's representative and the applicants in terms of which the applicants were to become tenants of the island on yearly tenure, at a rent to be fixed by us. In this minute the landlord reserved "the whole mines, minerals, and quarries" in the island, with power to resume such parts of the land as might be required for that purpose on allowing compensation to the tenants. As already stated, *the island is and has for many years been uninhabited, and there are no roads on it.* The proprietor appears to have some hope of its future prosperity, as he reserves power to "resume the land for the purpose of building houses, making roads, and railways, altering and straightening marches, and excambing ground on payment of surface damage to the crops," etc. "The whole game, hares, and rabbits, subject to the provisions of the Ground Game Act, 1880" are also reserved. There is *not a lake, river, or burn on the island, but the tenants and their servants are taken bound "to suppress poaching and illicit fishing for salmon, sea-trout or brown trout."*

The six applicants signed the agreement, and we fixed the annual grazing rent of the island at £30, and the tenants got possession at Whitsunday, 1911.

From many other examples we have space only for one which we take from proceedings occurring at the present moment. In Kintail there is a large demand for smallholdings by the people who dwell on the borders of deer forests. As they say themselves :

They were living on the borders of an extensive deer forest which when used for pasturing purposes carried a stock of 8,000 sheep, and not a man in that meeting possessed even a pet lamb. Their patience had been exhausted, and it was clear that they must do something to help themselves.

The opinion of Mr. Joseph Chamberlain might also be quoted. Speaking at Inverness on September 18th, 1885, he said :

I cannot myself see, if they think it right and proper that in future deer forests shall not be allowed to descend within 1,000 feet of the sea-level—I cannot see, I say, why we should not demand the restitution to agricultural uses of those great deer forests which now descend beyond that level. There is also the question of the taxation of these forests, and I am glad to see that there is a general agreement that they should be rated at their full sporting value, whether they are rented or kept in hand by the owner or not; and, speaking for myself personally, I should say also that if the best authorities are agreed that these forests are not advantageous to the country, but are injurious to the happiness of the inhabitants and their prosperity, then I agree with the proposition . . . that these forests should be subjected to special taxation intended to discourage them.

Section VII.—INCREASE IN DEER: DECLINE IN POPULATION.

Most of the great clearances were made in the first instance in the interests of large farming as compared with small-holdings. During the eighteenth century, for example, and a great part of the nineteenth, it was thought by many people throughout the country that much better results could be gained from large farming than small. This idea was specially encouraged by the increased price of sheep and wool, and the clearances in Sutherlandshire, Ross-shire, etc., were made in the supposed interests of large sheep farming. In the course of time these sheep farms have tended more and more to be converted into deer forests, and as the process has proceeded the proprietors have quietly and unostentatiously extinguished smallholdings and farms at the end of leases, or by compensation, before the end of leases, in the interests of game preservation. This modern method of clearing a countryside of its

population is assisted by the practice of allowing buildings to fall into decay.

The movement for the supplanting of the sheep in the interests of deer, was furthered by the fall in the price of sheep during the last thirty years.

The social value attaching to the occupation of a deer forest or grouse shooting is undoubtedly a large factor in addition to that real sporting instinct which has a genuine pleasure in matters of game. The latter arouses less animosity than the other. It is recognised throughout the Highlands that one of the greatest barriers against the adequate utilization of deer forests for the purposes of agriculture and sheep farming is the continuance, and indeed the increase of this social fashion.

This practice of the withdrawing of sheep and the resident population and the resulting increase in the number of deer are, of course, welcomed by those who favour the extension of deer forests at all costs. The following quotation illustrates this point of view. It is from "The Deer Forests of Scotland," by A. Grimble, 1896, a book, as already stated, written by a sportsman for sportsmen. (*The italics are our own.*)

THE FOREST OF LAGGAN, LOCHBUIE, ISLE OF MULL.

This small forest on the south side of the Isle of Mull extends to a little over 6,000 acres, situated on a very pronounced peninsula. . . Although there have been Macclaines and deer in Mull from the days of Noah, *this ground has only been absolutely cleared of sheep for the past eight years*, the present owner having introduced fresh blood from the Black Mount and Ashridge, and Vanol parks.

There are deer more or less all over the Island of Mull, and it is *satisfactory to relate that their numbers are increasing*. . . At Gruline, Mr. M—— also always has deer, no less than fifty-two being in sight at once one day last spring.

In contrast to this it is interesting to compare the point of view of the resident population.

In Mull the conditions are deplorable; land is going out of cultivation, and is refused for small holdings. Deer are encroaching year by year, and in some parts are a curse. Man is disappearing; and a delightful island is slowly but surely being turned into a sporting preserve. During the Peninsula Wars, Mull

furnished between 1805 and 1815, something like 100 officers to the army, but during the Boer War, the island did not produce 100 men for war.

As already indicated, most of the crofter settlements were located where they now are by no choice on the part of the crofters. Very often they are in such positions and crowded together on such poor land that it is impossible to eke out the most precarious living without supplementing the family resources from elsewhere, and these settlements are entirely alien to the rural economy of the Highlands, and were located where they now are when the tenants were driven out of possession of their inland hills and valleys.

**Section VIII.—MUCH LAND AT PRESENT IN DEER FOREST
SHOULD BE MADE AVAILABLE FOR SMALLHOLDERS,
GRAZING, ETC.**

It should be noted that the physical conformation of the Highland Glens lends itself to holdings rising through all the altitudes from the floor of the Glen, which could be made arable, up to the ridge top which supplies the summer grazing. Some people imagine that deer subsist all the year round on these hill tops and that no other animal could live there. The fact is that these higher altitudes supply only the summer grazing for the deer and the deer winter on the low grounds and are often fed by the keepers. Indeed as a matter of fact a Highland sheep will survive where deer will perish.

From the point of view of national economics a deer is of little use. He does not go into the market nor does he produce much that goes there. The preservation of deer contributes nothing to the national income. On the other hand, it may bring a larger rent to the landlord.

The following statement by Sir John Stirling-Maxwell in the *Estates Magazine* for September, 1913, may be quoted :

“ It may be true, I believe it often is, that a deer forest employs more people than the same area under sheep. It certainly brings in a larger rent. From a purely parochial point of view, it may

therefore claim to be economically sound; but from no other. It provides a healthy existence for a small group of people, but it produces nothing except a small quantity of venison, for which there is no demand. It causes money to change hands. A pack of cards can do that. I doubt whether it could be said of a single deer forest, however barren and remote, that it could serve no better purpose."

It is claimed by apologists for the excessive development of deer forests, that these are instrumental in securing the expenditure in Highland districts of large sums of money by men who own or rent shootings; and figures showing a large expenditure on certain estates are produced frequently. We have made careful investigation regarding this. We find that a main part of this expenditure is incurred in building large shooting lodges, keepers' housing and game rearing. It is not, as regards buildings, a recurring expenditure and in proportion to the area of desolate land included in the shooting and the amount of employment it provides locally it is of small advantage. Apart from the few months when the building operations are actually going on, it provides little or no trade to local shopkeepers, tradesmen, etc. It is not an expenditure which is in any way economically productive of any marketable produce raised from the land. It is an expenditure directed solely to secure the comfortable indulgence in the most anti-social form of sport known in the United Kingdom.

It is reported generally, also, that the tendency increases yearly for the tenants of shooting lodges to buy direct from stores in London practically all the groceries, etc., needed daily during the six weeks or two months when they are in residence; so that the local tradesmen benefit to very small extent from their presence in the locality.

Much of the land under sport is needed for the extension of grazings.

"I spoke to men of every political party on the subject," a reliable authority reports who made careful investigation throughout the Highland area. "Landlords, factors, and Conservatives agree with the crofters and Liberals: one of the largest landowners in the Highlands, a Conservative in politics, states that he approves

of smallholders getting land in a systematic way. They could do well if settled close to each other, and had the benefits of co-operation. Another leading Conservative, a farmer who farms nearly 40,000 acres, states that the majority of the crofts or smallholdings in Caithness, Sutherland, Ross and Cromarty, are too small; where the land is suitable for cultivation, 50 or 80 acres should be allotted to the smallholder according to the quality of the land. Where it is grazing land, the smallholder should get enough land to carry from 200 to 300 sheep, and 10 head of cattle."

It is clear that a much more productive use of large areas of the land at present under deer could be made by extending existing holdings and creating new holdings.

On the middle altitudes in the Highlands in conjunction with human settlements the most reliable experts are agreed that timber could be successfully grown. Laid out in belts, it would afford, when grown, admirable winter shelter for sheep and cattle.

As already indicated, it is of the essence of practically all successful farming in the hill lands of the Scottish Highlands that the farms should have attached to them areas of hill land for the purposes of pasture, and from the earliest days the native population subsisted largely on their flocks and herds. Accordingly it is not enough to say that the heather-clad hills are of no use for growing oats or barley when in fact they would be used for grazing combined with afforestation. We consider that large areas at present in deer forest should be made available for extending existing grazings of smallholders and for new smallholdings.

Section IX.—TYPICAL EXTRACTS.

A few typical extracts from the schedules may be given of the evidence as to land at present under deer and game which could be utilised for smallholdings:

ABERDEENSHIRE (R.B. 3).—There is a good deal of land in this parish, now in deer forest, that once was tilled. Some of it is suitable for smallholdings.

(R.B. 4).—On the hill ground of —, one of the finest sheep grazings in Aberdeenshire, 2,000 sheep were put off five years ago, and the ground is lying at present not even for deer, but with the view of improving it as a grouse moor.

It is eminently suitable for smallholdings. Large portions of it were in days gone by cultivated as smallholdings, from which the then occupiers were evicted to make room for grouse and deer.

DUMFRIES-SHIRE (S.S.S. 32).—There is a considerable amount of land used for game preserving (not deer) which might be used for grazing purposes. In one instance, a whole sheep farm is so used.

One landlord in this locality within recent years has fenced in for game preserves several peat mosses, depriving the tenants and cottagers of peats, many of whom depended entirely on these for their fuel.

INVERNESS-SHIRE (S.S.S. 37).—There is the farm of —, extending in area to 45 acres of arable, and 500 acres of pasture, which was let a year ago as a game preserve. There is a vast area extending to several thousand acres at present under sheep which is suitable for cultivation, and a still larger area under deer which is suitable for grazing purposes.

(S.S.S. 39).—As regards agricultural land for game preserving, there is —, who by a process of rent-raising, has managed to evict about twenty families, as near as I can judge, from a thousand acres.

(S.S.S. 38).—In the Long Island there are two extensive deer forests, i.e., in Harris and in South Uist. I would put their acreage at approximately 12,000 aggregate. Every acre of these could be used for sheep grazing, and a great part of the ground could be utilised as cattle pasture.

PERTHSHIRE (R.B. 32).—The land withheld from agricultural uses is principally grouse moors which are either held by the proprietors in their own hands, or either entirely cleared of stock or considerably under-stocked.

(R.B. 38).—The whole of the north side of —, save the grazing of —, is now given up to deer. This comprises land which, until lately was held in three good-going farms.

(S.S. 99).—There is a lot of grazing land held by the proprietors with reduced stocks of sheep, or even none, to improve grouse shooting.

About 2,000 acres of this land which is light stocked or cleared for grouse is the best grazing land in the district, and would make have a dozen ideal smallholdings for shepherds.

CHAPTER XIV.

FARM SERVANTS.

Section I.—THEIR NUMBER.

According to the 1911 Census the following are the numbers of the undernoted classes of farm servants in Scotland.

FARM SERVANTS.

	In charge of cattle.	In charge of horses.	Others or unspecified.
Males	13,771	35,396	22,213
Females	6,101	80	8,773
	19,872	35,476	30,986

The labourers employed on farms are frequently classified in these two groups: (1) The persons in charge of animals (*viz.*, horsemen, cattlemen, and shepherds); (2) other farm servants. Men in the first class have usually greater responsibility, they often have longer hours of work, and they generally receive larger earnings. Horsemen, for example, in addition to the ordinary horse work on the farm, have generally entire charge of their animals, they feed and groom them, prepare them for work, clean out the stables, etc.—duties which necessitate work in early hours of the morning and late in the evening. Cattlemen, also, have exacting duties in connection with the rearing and tending of cattle, and, in addition, often assist in other work on the farm. Shepherds also have considerable responsibility in the care

of their flocks; and their duties are often most heavy and their hours longest when the weather is at its worst. At the times of lambing and shearing their hours may be very long.

Most of the work of the milking of cows is done by women in Scotland.

There is not a large employment of casual workers on the farms, other than as regards potato lands, turnip hoeing, and also during the harvest season; and casual workers, like the farm servants, have been increasingly difficult to obtain in many districts within recent years. A certain number of Irish labourers still come to Scotland during the harvest and potato-lifting seasons; girls from the cities go to the fruit-growing districts when the fruit is ready for gathering; and other workers from the villages also go to the country at harvest time. The wives and children of the farm servants, also, assist during harvest, and receive payment in respect of such work.

Section II.—ENGAGEMENTS.

The older method of hiring farm servants (still, to a certain extent, in use) is as follows:

Farmers and farm servants meet at the Hiring Fairs, known also as Feeing Markets, held at various market towns in the respective counties some time before the terms; Whitsunday (28th May) and Martinmas (28th November). The ordinary rule is for the parties to attend one or other of the Hiring Fairs in the county in which they reside. They meet in the open street to confer, and on a man being engaged he receives a sum (say one shilling), known as "Arles," which renders his engagement binding.

Of late years one or two tradesmen in some of the larger county towns and villages have undertaken to arrange interviews between farmers in search of workers and farm servants seeking employment, but comparatively few men seem to be engaged in this way. Indoor women servants are generally engaged at the Registry Offices. Married men and shepherds are generally engaged privately.

In most counties the ordinary rule is that married men are engaged by the year, and single men for six months. A considerable proportion of the latter change service every six months. This is due, no doubt, in part to a desire for new surroundings, and partly in the hope of advancement. A third horseman, for instance, is not infrequently able to secure promotion to the position of second horseman under a new master.

The wages ruling at the Martinmas Feeing Market (November) are usually slightly less than at Whitsunday. The necessary accommodation for the labourers is usually provided on the farm. It is part of the equipment of the farm. It is alleged by some workers that feeing markets are relics of barbarism, and that engagements should be shorter. It is sometimes held that shorter engagements would mean less shifting about on the part of the servants. These engagements are, as a rule, for six or for twelve months. On the other hand, one result of these long engagements is probably to diminish casual labour. It is alleged by persons opposed to shorter engagements that the tendency under shorter engagements would be to leave more labourers unemployed during the slack season. It is also generally agreed that frequent changes operate against the maintenance of the cottages in proper repair; and they are obviously detrimental to the proper care of the garden, or any land attached to the cottage. In addition, the nature of much of the work on the farm offers some advantages, from the farmer's point of view, in having engagements of not less than six months' duration. On the other hand, the farm servants point out that in practically all other occupations in the rural or urban neighbourhood engagements are for shorter periods.

Section III.—HOURS OF LABOUR.

These vary but slightly in different counties. The men start out with horses at 6 or 7 a.m. (it must be remembered that they have to rise an hour or an hour and a half earlier to prepare and feed the horses), unyoke for dinner at 11 or

12 noon, resume work an hour or two later, and continue until 6 p.m., or dusk in winter. Some deduction from the above hours has to be made in respect of wet and stormy weather.

To these figures of working hours must be added the time spent, in addition, in attending to the horses, etc., after the day's work is over.

The length of the hours of labour is a grievance of the farm labourer, and there is no doubt that they are long. The shortening of the hours of labour in mining and urban industry has had an effect on the rural labourer, in making him more desirous of securing a similar concession.

A leading officer of a farm servants' union states that the questions which appeal most to the members of the Union are:

First, reduction of the hours of labour, including more holiday time; second, increased wages, better housing conditions, shorter periods of engagement.

The performance of work, obviously necessary, relating to the necessities of stock and the exigencies of seasons, makes the concession of a shorter uniform day (such as an eight hours' day) a matter of some difficulty, especially on a small farm with only one or two servants. On the other hand, it is undoubted that, in very many cases, farm servants work for very long hours, and that a shortening of their working day is much desired, and we have received striking evidence of a very strong demand for this from various localities.

Section IV.—HOLIDAYS.

Farmers, as a rule, do not give more than four or six days holidays to their labourers during the year, but within this last year or two, some farmers have begun to give more holidays, the holiday question having become more acute recently.

It is pointed out on behalf of the farm servants, that they are practically the only class of workers who are now

advocating precisely what they asked for twenty years ago—shorter hours, and the weekly half-holiday.

As regards the half-holiday question, throughout the country the great difficulty of securing agricultural labour during 1912 and 1913 gave a notable impetus to this movement. In district after district, at meetings of farmers, landlords and others, the proposition was considered, and, as a rule, considered favourably. Discussions such as the following are reported from every other district :

At a private meeting of the Fettercairn Farmers' Club on Saturday, Mr. D. Arnot, Mains of Edzell, presiding—it was unanimously resolved to recommend to members of the Club, that farm servants be granted a half-holiday from 1st June until harvest. It was left to the members to fix half-holidays for the rest of the year.—(*Dundee Advertiser*, November 17th, 1913.)

Yesterday a special meeting of the West Lothian Agricultural Society was held at Linlithgow, for the purpose of considering the question of farm servants' holidays in accordance with the recommendation of the Chamber of Agriculture. The meeting over which Mr. William Inch, Echline, vice-president, presided, was held in private. After long discussion the meeting decided by a large majority to recommend that all farm servants should cease work on Saturday afternoons at three o'clock.—(*Glasgow Herald*, October 14th, 1913.)

In various cases individual farmers and proprietors have already given their men the half-holiday. In some cases the grant of the half-holiday was made a condition of the hiring when the men were engaged.

A Conference was held during October, 1913, between the directors of the Scottish Chamber of Agriculture and a deputation from the Scottish Ploughmen's Union on the half-holiday question, and considerable attention was given to the difficulty of having a fixed half-holiday for all classes of farm servants. The demand of the men is, generally, that every one of them shall receive twenty-six half-holidays, or the equivalent in whole days, each half-year. It is admitted on all hands that live stock must receive attention, horses must be fed and watered, and cows must be milked.

It is impossible to have a complete cessation of work in regard to cattle and horses; but this in itself is no sufficient reason why the servant should not have his half-holiday, if it is accepted as a normal condition of labour in this country that there should be, at least, one half-holiday a week—and it is a position which has practically been reached. In addition, in seed-time and harvest it is frequently of extreme necessity to press on the work, and to give the half-holiday under these circumstances would obviously present some difficulties. On the other hand it would not be difficult to make up in holidays at a less busy time for any such half-days given to work during busy seasons.

A leading official of a farm servants' organisation states:

We find the overwhelming opinion of the farm servants is that there ought to be a weekly half-holiday, and that that half-holiday ought to be granted on Saturday. They are quite prepared to meet any special difficulties and to make arrangements for these, where an equivalent number of holidays are given. They would not agree, however, to these holidays being left "to such times as would be most convenient for employer and servant." In practice that would work out with the employer deciding the convenient times and would simply be a source of friction on the farm. What we suggest is, that at engagement the holidays should be specified, and we have no doubt, if it were required by the work of the farm, that the half-holiday should be worked, that could easily be arranged by giving a date again. The farm servants are quite as keen for the successful working of the farm as the farmers are, and it is certain that in cases of necessity they would be prepared to forego any particular holiday, so long as they were assured of an equivalent.

Various branches, for example, of the Ross-shire Ploughmen's Union have petitioned in large numbers for a statutory half-holiday, and so have other bodies.

• Many of the Agricultural Societies, representing farmers and proprietors, have indicated that, though in sympathy with the granting of the half-holiday, they would much prefer it to be a matter of mutual arrangement, rather than one fixed by legislation. The following resolution, for example, may be quoted (*Glasgow Herald*, October 29th, 1913):

That the directors of the Renfrewshire Agricultural Society, having considered the Farm Servants' Half-Holiday (Scotland) Bill, while in sympathy with the general object of the bill are of the opinion that as presently drafted the bill would militate against the best interests of agriculture, inasmuch as the work of the farmer is dependent on the exigencies of weather and seasons. They favour a proposal that a certain number of holidays or part holidays during the half-year should be fixed, but consider that the interests of all concerned would be best served if the matter of determining on what days the holidays should be taken were left to the mutual arrangement of master and servant. In view of the good feeling presently existing between employer and employee the proposed measure, if passed, would tend to raise friction. As the county of Renfrew is one comprising arable and dairying interests, the directors are of opinion that the proposed measure could not be successfully worked where the interests are so diverse.

It is extremely doubtful, however, if the holiday would become general without statutory provision. It would not appear possible to avoid making it obligatory under statute in this as in various other classes of labour. Account would have to be taken of the necessities of crops and animals, and where it was arranged between farm servants and farmers the equivalent of half-holidays might be given in full days.

Section V.—EARNINGS.

Farm servants are paid partly in cash, and partly by allowances or payments in kind. In any consideration of their remuneration it is necessary to keep this clearly in mind, and "earnings," as used in this Report, includes the value both of the cash payments and of the payments in kind; the phrase "cash wages" being used to express the amount of actual payments in money.

Efforts to express definitely in figures the earnings of agricultural labourers as a class are met by the difficulty of considerable variations between district and district, county and county, etc. Also different values are placed by different people on the allowance in kind received by the labourers

as part of their remuneration. In addition, there is the question of casual labourers, women and young persons, old and infirm persons, foremen, stewards, etc., who are not commonly included in official returns as to wages (e.g., in such a return as Cd. 5,460, 1910).

The most elaborate and complete returns available as to the earnings of farm servants are those prepared by the Board of Trade; and their *Report of an Enquiry into the Earnings and Hours of Labour of Workpeople of the United Kingdom, in 1907, V., Agriculture, Cd. 5,460, 1910*, is the most recent detailed official statement on the subject. So far as Scotland was concerned the total number of adult male agricultural labourers whose earnings were stated in the returns received by the Board on which their average figures were based, was 18,441, and care was taken to secure that the results should, so far as possible, represent average earnings in each case for the various districts.

Care was also taken to arrive at the total weekly earnings of the labourers, as well as the actual cash wages. The method adopted was to ask farmers to state:

- (1) The weekly rates of cash wages paid to their men (excluding all special payments for piecework, harvest, etc).
- (2) The total cash paid for the whole year, including:
 - (a) Total weekly cash wages for the year.
 - (b) Additional payments for piecework.
 - (c) Extra payments for hay and corn harvests.
 - (d) Overtime money, journey money, lamb money, etc.
- (3) Any allowances in kind, such as:
 - (a) Free house or garden.
 - (b) Potato ground or allotment.
 - (c) Fuel, free carting, meal, milk, and other food, straw for pigs, etc.
 - (d) Food and lodging.

The Board of Trade then took the total amount paid in cash to each labourer during the year 1907, added the value of all

the allowances in kind, and divided the total by fifty-two weeks.

Piecework is not generally given in Scotland, and, speaking generally, extra payments for harvest are not made to any great extent to the men who are regularly attached to the farm. With engagements as long as they generally are in Scotland, the tendency is for extra cash payments to be few, but, on the other hand, the allowances in kind are very common, and are frequently of considerable value. It is usual, for example, to provide board and lodging for unmarried men, and cottages are provided for the married men. Oatmeal and milk are also generally given, and frequently potatoes also, and fuel is sometimes given or is carted free. Shepherds receive a considerable part of their remuneration in allowances in kind.

In addition, the wives of farm servants are frequently in receipt of wages in respect of the regular work of milking, and also for occasional work in turnip-hoeing, harvest, etc. The children, also, frequently assist in this occasional work, and receive wages. In the result the earnings of the family are frequently a good deal in excess of the following figures, which relate only to the ordinary farm servant, regularly employed by the year or half year.

Section VI.—WAGES AND EARNINGS OF ORDINARY FARM SERVANTS IN 1907: OFFICIAL FIGURES.

The following Table gives the average cash wage and average weekly earnings of the ordinary farm servant in each county in Scotland, in the year 1907.

As already stated, casual labourers, the old and infirm, young people, women, foremen, stewards, etc., are not included.

The earnings of cattlemen and horsemen are given subsequently. They are, of course, not included in the following averages, which refer exclusively to ordinary farm servants.

SEC. VI.] FARM SERVANTS: EARNINGS

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COUNTIES IN WHICH THE AVERAGE WEEKLY EARNINGS WERE
18s. AND OVER.

	Cash wages.	Total earnings.
	s. d.	s. d.
Elgin	13 4	18 0
Aberdeen	11 8	18 3
Kincardine	13 8	18 3
Forfar	15 9	19 11
Perth	16 1	19 2
Fife	17 5	20 7
Kinross	15 1	19 8
Clackmannan	17 8	21 4
Stirling	16 10	21 1
Dumbarton	18 6	19 7
Renfrew	16 5	19 11
Leamington	17 3	21 1
Ayr	15 5	19 0
Linlithgow	14 11	19 5
Edinburgh	14 4	20 8
Haddington	17 6	19 7
Berwick	16 10	20 4
Peebles	16 9	19 11
Selkirk	17 2	20 8
Roxburgh	16 6	20 3
Dumfries	14 10	18 1
Wigtown	14 1	18 2

COUNTIES IN WHICH AVERAGE WEEKLY EARNINGS WERE 17s. AND
UNDER 18s.

	Cash wages.	Total earnings.
	s. d.	s. d.
Sutherland	12 2 6	17 9
Inverness	13 4	17 1
Nairn	13 1	17 2
Roaff	11 4	17 6
Kirkcudbright	15 4	17 10
Argyll and Bute	14 5	17 10

COUNTIES IN WHICH THE AVERAGE WEEKLY EARNINGS WERE UNDER 17s.

	Cash wages.	Total earnings.
	s. d.	s. d.
Shetland and Orkney	7 1	13 10
Caithness	9 2	14 2
Ross and Cromarty	12 9	16 9

AVERAGE FOR SCOTLAND: ORDINARY AGRICULTURAL LABOURERS.

The average rate of cash wages per week was 15s. 1d. and the estimated value of allowances in kind per week was 3s. 10d., so that the average earnings per week were 18s. 11d.

Cash wages were lowest and the value of allowances highest in the north of Scotland, where the total earnings per labourer were lowest. The counties with a cash wage of less than 14s. per week (Shetland and Orkney), were the most northerly counties of Scotland, and in five of the northern counties the value of the allowances in kind and extra earnings, when any, was estimated at 5s. or over per week.

Section VII.—WAGES AND EARNINGS OF MEN IN CHARGE OF ANIMALS.

The earnings in this case, as already stated, are higher than as regards the ordinary labourers. The detailed figures for each county need not be given here (they are to be found in Cd. 5460, 1910, already referred to). The following is a brief summary:

(a) HORSEMEN.

The average rates of cash wages per week 14s. 4d. Extra earnings, if any, and estimated value of allowance in kind per week 5s. 4d. Average earnings per week 19s. 8d.

The four most northerly counties showed average earnings

for horsemen of less than 18s. per week. In Caithness the average was 14s. and in Shetland and Orkney 15s. 2d. In six counties (including Inverness, Nairn, Elgin, and Banff) the average was 18s. and less than 19s. In eight counties (including Haddington, Berwick, Selkirk, and Roxburgh) it was 19s. and less than 20s. In five counties (including Forfar, Perth and Kinross) it was 20s. and less than 21s.; whilst in the remaining eight, Dumbarton, Stirling, Clackmannan, Fife, Renfrew, Lanark, Linlithgow, and Peebles, which are mainly industrial counties, the average was 21s. or over.

(b) CATTLEMEN.

Average rates of cash wages per week, 13s. 4d. Extra earnings, if any, and the estimated value of allowances in kind per week, 6s. Average earnings per week 19s. 4d.

The average of these did not vary greatly in the different counties, only five counties having average earnings outside a range of 18s. to 21s. per week. In eight counties the average earnings were 18s. and less than 19s. In five counties 19s. and less than 20s., and thirteen counties 20s. and less than 21s. As in the case of horsemen, the cattlemen's earnings were highest in the midland counties.

(c) SHEPHERDS.

Average rates of cash wages per week: 13s. 9d. Extra earnings, if any, and estimated value of allowances in kind per week 6s. 8d.

Average earnings per week—20s. 5d.

Section VIII.—COMPARISON WITH ENGLAND.

It was found by the Board of Trade that these earnings were higher in Scotland than in England, Wales or Ireland. In 1907 (Cd. 5460. 1910), the weekly earnings, inclusive of all extra payments and the value of allowances, received by the farm hands in Scotland and England averaged as follows:

Country.	Ordinary Labourers.	Horse- men.	Cattle- men.	Shepherds.	Average.
	s. d.	s. d.	s. d.	s. d.	s. d.
Scotland -	18 11	19 8	19 4	20 5	19 7
England -	17 6	18 9	19 1	19 7	18 4

The average for Wales was only 18s. and for Ireland only 11s. 3d.

The annual remuneration based on these averages for all classes of labourers taken together was as follows: Scotland £50 19s., England £47 15s., Wales £46 16s., Ireland £29 4s.

Although Scotland is relatively a poorer country than England and her climatic conditions are more severe (in particular the season for the ripening of crops is shorter and the wintering of stock is a much more laborious matter) still her agriculture is relatively better, and so is the level of the wages paid to farm servants.

In this connection the following comparative figures are not without interest. They indicate the very pronounced success of Scottish agriculture.

The following figures show the average yield per acre of the ten years 1902-1911 in regard to the following crops in Scotland, England and Wales respectively (pp. 125 and 126 Cd. 7155, 1913):

	Scotland.	England.	Wales.
	bushels.	bushels.	bushels.
Wheat	39·64	31·83	27·17
Barley	35·65	33·43	31·24
Oats	37·31	42·27	35·27
Beans	35·61	30·12	27·12
	tons.	tons.	tons.
Potatoes	6·41	6·00	5·15
Turnips and swedes	16·27	13·31	15·50
	cwts.	cwts.	cwts.
Hay from rye grass, etc.	32·04	30·12	25·20
Hay from permanent grass	29·11	24·32	19·86

The country which pays the highest wages has also the best results.

The Board of Trade Return also gives the following comparative figures (p. xiv, Cd. 5460, 1910).

For certain "selected classes" (i.e., those classes most suited for a comparison) of agricultural labourers the figures are as follows :

	1898.	1907.	Increased in 1907 as compared with 1898.
	s. d.	s. d.	s. d.
Scotland - - -	18 2	19 7	1 5
England - - -	16 9	17 7	0 10

From enquiries we have made we are convinced that the average increase in the wages between 1907 and 1913, has been much greater in Scotland than in England. The position of Scotland in this respect is relatively much better than that of England.

Section IX.—THE LOW-WAGE COUNTIES.

Regarding the most northerly counties of Scotland where the remuneration is smallest, it is to be observed :

- (1) That these districts are far removed from mining and large industrial centres.
- (2) That rates of remuneration for employment in general in these districts are smaller than in the large industrial areas further south.
- (3) That, relatively to the smallholders and other rural workers in these districts, the farm servant is not in a position similar, for example, to an Oxfordshire farm labourer. In these northern counties, where the standards as to remuneration, etc., are lower generally, there is no suggestion that, in relation to other workers in the district, the farm servant is in a sweated industry. Home

grown food products, also are as a rule cheaper in these Northern Counties.

Section X.—RECENT INCREASES IN WAGES.

To bring the foregoing tables up to date we have made enquiries and find that there has been a notable increase in the amount of the earnings during the last five years; the average increase over large areas of the country is at the rate of from 2s. to 3s. per week.

During the last three years the wages of all classes of farm servants have risen substantially. During 1911, from information furnished, it appeared that largely owing to the effects of emigration on the supply of farm servants increases in wages were fairly general in certain parts of the country, particularly for the best class of men.

Increases in wages were reported, at the Spring and Summer fairs, 1911, principally in the North-Eastern Counties. At the Autumn fairs the principal increases occurred in the Orkney Islands and the counties of Inverness, Ross, Lanark and Ayr. The amount of increase was usually about 20s. for the half-year.

Women workers remained scarce in most parts of the country, and their rates of wages were advanced in a number of instances. (Cd. 6471.)

During the early part of 1912, it is reported that there was a slight upward movement in wages in Forfarshire, and the counties north of Perthshire, and in the counties of Argyll, Lanark, and Ayr. In the other counties the rates agreed upon generally remained at the same level as 1911. A scarcity of women workers was reported in the Orkney Islands, Inverness-shire, and in nearly all the counties south of Perthshire, where advanced wages for such workers were offered in a number of instances. In certain districts, owing to the difficulty in procuring women for milking, farmers were hiring young lads to take their places.

Such increases in the wages of men servants as occurred appeared to be most numerous in the counties of Aberdeen, Banff, Kincardine and Forfar, and usually mounted to

about 10s. for the half-year. The increases reported for women servants in the south generally ranged from 10s. to £1 for the half-year.—(*Board of Trade Gazette*, September, 1912.)

During the first six months of 1913, wages generally showed a distinct upward movement as compared with the year before. This movement, though more marked in the north than in the south, was fairly widespread and affected all classes of farm servants. The chief factor which influenced wages was the scarcity of labour which it was indicated was largely due to emigration and, to a lesser extent, to migration to the towns. Generally speaking the wages of men servants showed an advance of from £1 to £3 per year in all the counties north of Perth and Aberdeen except Shetland where no change was reported. In Aberdeen, Kincardine, Forfar, Perth and North Argyll the wages of married men rose by £1 to £2 per year; while those of single men showed a rise of from £1 to £3 or even more for the half-year: the scarcity of single men being very marked in these counties.

In the central counties and in the south there was a marked advance in wages, in the Lothians and in Peebles generally, amounting to 1s. per week; in Ayr amounting to £2 and upwards per year in the case of married men and about £2 per half year in the case of unmarried men; and in Dumfries and Kirkcudbright amounting to £1 to £2 per half-year for unmarried men. In the other counties in this group the movement in wages was less defined but showed an upward tendency.

There was a marked scarcity of women servants in most counties. An upward movement in their wages was reported in Orkney, Caithness, Dumbarton, Renfrew, Bute, Ayr, Haddington, Kirkcudbright and Wigtown.—(*Board of Trade Labour Gazette*, August, 1913).

The following are two reports from the *Glasgow Herald* of the Feeing markets at Arbroath and Dumfries at Whitsunday, 1913:

ARBROATH.—Owing to the continued scarcity of labour, a large increase of wages was obtained by the men—from £2 to £2 10s. for the half-year. Foremen received not less than £26; second men, £24 to £25; third men, £23 to £24; halfins, £14 to £18, with the usual allowances of meal, milk, and potatoes.

DUMFRIES.—There was a very large attendance of farmers, but servants were very scarce, and wages generally showed a substantial increase. Quotations: Men able to work horses, £11 to £17; second men, £10 to £14; lads, £6 to £10; byrewomen, £8 10s. to £12; girls, £6 to £10—all for the half-year, with board and lodging.

In all parts of the country during 1913 there was the same tale of scarcity of farm labour and the cause was attributed as a rule to the exodus to the Colonies.

Section XI.—EARNINGS: SOME FURTHER DETAILS.

From a large mass of evidence we give the following few extracts from Reports as they relate to districts from which the emigration of farm servants has been greatest within the last few years.

Aberdeenshire.

CASH WAGES.—Hiring fairs are held in many places throughout the county, *e.g.*, Aberdeen, Inverurie, Alford, Insch, Strichen, etc. The following are the cash wages obtained at a recent hiring (1913):—

	Horsemen.	2-pair place and under. Wages for six months.		3-pair place and over. Wages for six months.	
		Married.	Single.	Married.	Single.
		£ s.	£	£ s.	£
Aberdeen	1st	16 0	19	17 0	19
	2nd	15 0	16	15 10	18
	3rd	—	—	14 10	16
Inverurie	1st	16 0	19	17 0	20
	2nd	15 0	16	16 0	19
	3rd	—	—	15 0	17
Alford	1st	15 10	18	16 0	18
	2nd	14 10	15	15 5	17
	3rd	—	—	15 0	16
Insch	1st	16 0	18	16 10	19
	2nd	15 10	17	16 0	18
	3rd	—	—	15 10	17
Strichen	1st	15 10	18	16 0	19
	2nd	14 10	16	15 0	17
	3rd	—	—	14 0	14

Orramen's cash wages, £14 10s. to £16 per half-year; cattlemen, £15 10s. to £17 10s.; shepherds, £34 yearly. Servant girls' from £7 to £10, and dairymaids from £9 to £12 per half-year.

ALLOWANCES.

MARRIED MEN.—Houses, as in other counties, vary greatly. Including rates, the annual value put upon them varies generally from £3 10s. to £5. Other allowances are:

	Milk. Daily.	Meal. Yearly.	Potatoes. Yearly.	Fuel.
Aberdeen -	2 pints	6½ bolls	One load	2 tons coal.
Inverurie -	1 Scotch pint	6½ "	20 bushels	2 "
Alford -	2 pints	6½ "	12 "	1 "
Insch -	2 "	6½ "	14 "	1½ "
Strichen -	2 "	6½ "	2 bolls	800 barrowfuls peat.

In addition in some cases permission is given to keep some poultry. The annual value of these allowances (house, milk, meal, potatoes, fuel) is variously computed. £17, it is generally agreed, is a fair average.

SINGLE MEN.—The bothy system is not general in the county, the boarding system being much more common. The weekly value of board and lodging is variously estimated (it naturally varies somewhat on different farms) at about 6s. to 8s. a week. In some cases it is probably worth more.

Banff, Moray and Nairn.

The conditions as regards wages and allowances are very similar to the above, and need not be repeated in detail. The following is a typical return relating to a farm in this area (F.S.N. 501).

Acreage.	Staff.	Wages, married men, also allowances and value thereof.	Wages, single men, also allowances and value thereof.
216 arable and 60 pasture	2 M. H. 3 S. H. 1 M. C. 1 S. C. 1 S. O.	Horseman, £38 yearly Cattleman, £36 yearly £ s. d. Cottage and garden - 4 0 0 6½ bolls meal at 17s. - 5 10 6 14 cwt. potatoes at 4s. - 2 16 0 20 cwts. coal - 1 14 0 Milk - 3 0 0 Peats - 1 6 0 Value of allowances - 18 6 6	£16 per half-year. Board and lodging worth about £18 yearly.

Kincardineshire and Forfarshire.

Cash wages tend to be higher here and the value of the allowances less where the industrial competition of Dundee, Arbroath, etc., more directly affects the demand for farm servants.

Hiring fairs are held at various centres throughout the counties. The following is a table of the cash wages, that were given at Laurencekirk and Arbroath, and of the single men's terms at Forfar and Letham (1913). In these two last markets no married men are engaged.

	Horsemen.	2-pair place and under. Wages for six months.		3 pair place and over. Wages for six months.	
		Married.	Single.	Married.	Single.
Laurencekirk -	1st	£ s. 17 0	£ 21	£ s. 17 10	£ 22
	2nd	18 10	20	17 0	21
	3rd	—	—	17 0	20
Arbroath -	1st	19 0	23	20 0	24
	2nd	18 10	22	19 0	23
	3rd	—	—	18 0	20
Forfar & Letham	1st	—	23	—	24
	2nd	—	22	—	22
	3rd	—	—	—	20

Fourth horsemen on large farms generally receive £1 less than the third horseman.

Cattlemen range from £17 in the of married men (Laurencekirk) to £22 for a single man (Arbroath). Orramen receive almost exactly the same as cattlemen. Shepherds are not numerous in this district, and receive 19s. to £1 per week. House servants get £8 to £12 half-yearly, according to experience. Outworkers receive 2s. daily for period they are employed, and are, as a rule, elderly folk who are employed casually at times when work is pressing.

ALLOWANCES.

MARRIED MEN.—Houses, as usual, vary a good deal. £4 may be regarded as an average value, including rates. Gardens are generally given along with the houses. Permission to keep a pig is often given. Hens are not allowed in so many cases as pigs. The usual allowances are:

	Milk. Daily.	Meal. Yearly.	Potatoes. Yearly.	Fuel. Yearly.
Laurencekirk -	1½ pints summer. 1 pint winter.	6½ bolls	15-18 cwts.	1 ton.
Arbroath -	1½ pints summer. 1 pint winter.	6 bolls	1 ton	None.

SINGLE MEN.—The bothy system prevails in this district. There has been an improvement of late years in the bothies, but the best that can be said even yet is that a few are good, many are fair, and some are very bad.

Men in bothies receive, as a rule, 1 pint milk per day and a fairly liberal allowance of meal and fuel.

The following are typical returns from Forfarshire (F.S.E. 411 and 621):—

Acreage.	Staff.	Wages, married men, also allowances and value thereof.	Wages, single men, also allowances and value thereof.
260 acres	4 M. H. 1 S. H. 1 M. C. 2 halfins at 9s. each weekly 2 women outworkers.	1st horseman, £38 2nd horseman, £37 3rd horseman, £37 4th horseman, £35 10s. Cattleman, £38 1 ton potatoes, 6½ bolls meal, 1½ pints milk in Summer, 1 pint milk daily in Winter, coal and sticks carted. £36 yearly, free cot- tage and 6½ bolls meal, 1 pint milk daily in winter, 1½ pints milk daily in Summer.	Unmarried man lodges with parents on farm £17 cash half-yearly with allowances of oatmeal and milk = £9 10s. 6d. half- yearly.
700 arable	4 M. H. 6 S. H. 2 M. C. 2 S. C. 3 M. O. 2 M. S.	£40 yearly, bed, fuel and light in bothy with allowances of meal, milk, potatoes, etc.	

In order to show how wages have risen in the neighbourhood of mining districts, the following extract relating to the neighbouring county of Fifeshire is given. It indicates the tendency to introduce into farming the habit of paying weekly or fortnightly wages. The tendency is for the farm servant in these districts to secure larger cash wages and a diminution in the allowances. It is an example of a general tendency found similarly in the other industrial neighbourhoods, in Lanarkshire, the Lothians, etc.

Fifeshire.

CASH WAGES.—The wages of farm servants have risen here with the development of the collieries and other industries; and in many cases the system of paying weekly wages to farm servants (18s. to 22s. a week) has been introduced. The following are examples of the rates of wages prevailing at the annual hiring (there is an annual hiring in Fifeshire).

	Horsemen.	2-pair place and under. Married.	3-pair place and over. Married.
Cupar	1st	£ 38	£ s. 39 0
	2nd	36	38 0
	3rd	—	36 10
Dunfermline	1st	38	39 0
	2nd	36	37 0
	3rd	—	36 0

Cattlemen receive from £38 to £40 yearly, and orramen average £1 weekly, in some instances with house. Outworkers receive 1s. 6d. daily (nine hours) and 3s. daily in harvest time.

ALLOWANCES.

MARRIED MEN ENGAGED BY THE YEAR.—Houses (and rates) are estimated at £6 yearly, and may be regarded as of fair quality.

Milk. Daily.	Meal. Yearly.	Potatoes. Yearly.
1 Scotch pint	6½ bolls	12 cwts.—2 tons.

Coal is not generally allowed, and men engaged on the weekly basis as a rule receive no meal.

SINGLE MEN.—The bothy system prevails to a considerable extent. The usual allowances are on a fair scale, being estimated on the average on a yearly basis at the following value :

	£	s.
Milk	6	2
Meal	5	4
Coal	from 2	2 to £4
Potatoes	0	10
Lodging (say)	6	0
	19	18 to £21 16s.

Section XII.—FAMILIES OF FARM SERVANTS.

To judge from the appearance of the women and children, the families lead healthy and happy lives. It would be difficult to find more sturdy-looking children than those to be seen in many of the cottages.

Bringing up as they do healthy and vigorous families of frequently half a dozen or more children, these men constitute a valuable asset to the country. They are as a body vigorous intelligent and endowed with much grit and energy. It is by no means uncommon to find men who are the sons of farm servants, and in their early years worked on farms themselves, holding prominent professional and mercantile positions in the direction and control of great British industries.

Married men being engaged for the most part by the year, it may be that the fixity in their employment and the occupation of their homes for a definite term contribute in some degree to the maintenance of that freedom and independence of character so strongly marked in them, in comparison, for example, with the agricultural labourers in the south of England. There is no similarity between these two, the Scottish workers being very much superior. There is a closer comparison, however, as regards the north of England.

As regards the allowances in kind—meal, milk, potatoes and coal—it is quite probable that the sturdiness of the children is due in part at least to the liberal supplies of milk and porridge available. As already remarked, these food allowances are not universal throughout the country. They are larger in proportion to the total earnings in those districts where the total earnings are small; and there is, in operation, a distinct tendency, from ordinary economic causes, to an increase in cash wages and a diminution of the allowances.

On the other hand, many as are the objections to payment in kind, it would seem that, in some cases at least and particularly as regards the married farm servant, it would be of very questionable advantage in the interests of the children to disturb the present arrangement. If, for example, the allowance of milk and meal was stopped and a money payment

given instead, it is a common opinion that more would be spent on tea and bread, which do not constitute so healthy a diet. It is always to be remembered, too, that with these servants living so generally on the farm, if they do not get milk, for example, from that farm it is not clear where they could get it. The more pressing difficulty is in regard to the question of housing.

Section XIII.—HOUSING OF FARM SERVANTS.

Cottages.

It is the custom on the farms in Scotland to provide, as part of the equipment of the farm, the housing accommodation necessary for the farm labourers: i.e. the farmer, in taking a lease of the farm, acquires as part of his farm the housing accommodation for his farm servants, this house accommodation, as a rule, being either at the farm-steading or otherwise within the area of the farm.

Landlords often do not trouble very much regarding the farm servants' houses; and only too frequently the farmer in negotiating with the proprietor concentrates his attention rather on the condition of the farmhouse and steading than on the condition of the labourers' quarters. Insufficient attention is undoubtedly paid to these latter.

In practice, what happens at present in very many areas of Scotland is that the grieve (or head workman) on the farm occupies a cottage at the farm-steading, and some others of the married workmen may also have cottages on the farm; but in many parts two or three or more unmarried farm labourers are housed in many cases in bothies (which are generally located in the farm-steading), or they are accommodated otherwise on the farm. The practice of housing the farm servants in bothies or in lofts over the stables, etc., is generally condemned. In some cases cottages on the farms, doubtless intended originally for the labourers, have been allowed to go into decay.

Speaking generally, when the cottages of married farm servants are new (or comparatively new) they are usually

substantial buildings, a frequent fault being that they are too small, especially where there is a large family to be accommodated. Where they are old, they are frequently very defective and in a bad condition of repair. Owing to the frequent changes that take place (and where the cottages are bad the servants change most readily) many necessary repairs that would ordinarily be done by the tenant, if he remained any length of time, are in fact neglected.

Labourers' cottages as well as bothies, etc., are frequently damp and in a bad state of repair. Local Authorities might be more active in regard to obviously defective labourers' cottages and farm servants' quarters. Even in such details as insisting on whitewashing and cleaning the walls of bothies, etc., more regularly, a good deal could be done.

It is reported in a number of cases that conversations with young married women, wives of farm servants, have shown them in most instances indisposed to emigrate: the single men being more ready to emigrate. We have obtained evidence that in many cases the uncomfortable quarters in which they live (as well as the absence of prospects) have greatly encouraged the emigration of the younger men.

The old fashioned "but and ben" cottage (two rooms) with "cupboard bed" is still found on older properties for married servants' quarters and, however comfortable it may have seemed to its occupants fifty years ago, it does not appeal so much to the rising generation. There is a good deal of dissatisfaction regarding it, especially where there is a large family.

In some districts the absence of cottages is not felt so acutely now, owing to the emigration of the last two years having taken so many men away. But a large number of the existing cottages are old, and ought to be replaced by new cottages.

BOTHIES, ETC.

As regards the unmarried male farm servant, the tendency too often is to limit the duty of housing him to one of merely finding him a place to sleep in (a bothy, an outhouse, etc.),

without any of the other normal accessories necessary to comfortable housing. There is general agreement, too, that there ought to be more cottage accommodation for him. At present the absence of such cottage accommodation on farms acts as a restraint on marriage on the part of the unmarried male servant, who is unable often to get a cottage if he desires to marry. The absence of the necessary accommodation for married farm servants is bad in every way. It conduces to bad moral conditions, as a consequence, and in addition it is bad for agriculture in the sense that it operates against men remaining as long as they otherwise would on the same farm. Many of the best farmers in the country prefer to employ married farm servants because of the tendency on the part of these married men to remain longer on a farm, and because of a greater interest (it is commonly stated) that married men take in their work. The housing accommodation for the single men, on the other hand, is cheaper to provide. The tendency of the present housing of single farm servants is, much too frequently, to encourage roving unsettled habits, and is good neither for the men themselves, nor for the industry, nor for the localities where they live.

The arrangements for housing the single men vary in different districts. A system common in Nairnshire, Morayshire, Kinross, Kincardine, Forfar, Perth and Fife, is the bothy system, and under it the farmer, in addition to a money wage for six months, engages during that period to provide the farm servants with "bed, fuel and light," and allowances of milk and oatmeal. This means that the young man is lodged with one, two, or three others of his class in a structure known as a bothy, often merely a one-roomed stone or brick building with stone or cement floor and open kitchen grate. The walls are generally quite bare; sometimes there is a second or third room, but this is not general.

"In many cases the only pieces of furniture observed beyond the bed is a wooden form with back rail," writes an able investigator who made close study of the bothy system. "A chair is seldom seen, and in the whole course of my visits, I only saw one article resembling a washstand. Although clothes pegs are

of the greatest value to men working in the open in all weathers, they are scarcely ever seen. A few nails driven into the stone wall having to take the place of suitable pegs, with the result that damp coats are thrown down anywhere, and often on to the beds. Then as to the beds, they are comprised in a wooden structure, common to many parts of Scotland, placed against one side of the apartment, and so arranged that the feet of each couple of sleepers are separated by a wooden partition. A board at the head of each bed, with another running down the outside of the bed, and so fitted as to be on a level with the top of the bedclothes, intended I understand, to keep them in place, complete the structure. A more unwholesome system could hardly be devised, inasmuch as the bed and clothes being placed in a structure very much resembling a bin, the ventilation of the beds is very difficult, and the removal of the accumulated dust next to impossible without considerable labour. A single man provides himself as a rule with two wooden boxes, one about 36 inches by 20 inches broad, and 24 inches deep, and another box of smaller dimensions. The large box is used for the young man's clothes and other belongings, and the smaller box for his meal and food allowances, as well as for any bowl, cup, etc., or household requisites which he may require when taking his meals.

The bothy is usually on the farm steading, in close proximity to the stables or cattle-yard, a position which the requirements of the cattle do not necessitate. The farmer generally arranges for the wife of one of the ploughmen to make the beds, sweep out the bothy, and secure the washing of the bedclothes, etc., but there are cases where the young men have to look after the bothy entirely themselves.

The cooking of the food is left to the men, a common practice being for the youngest man to get up about 4.30 a.m., light the fire, and make the porridge. The other men meanwhile tend to their horses, return to the bothy for their porridge, and milk, and yoke up their horses in time for starting out to work at 6 a.m. In winter it is generally later. At 11 a.m. they unyoke horses and secure their own mid-day meal in time to again start out with the horses at 1 p.m., when they continue working until 6 p.m., or dusk in winter, ten hours per day, except in winter, being the average number of hours during which the men and horses are engaged in their labour, exclusive of meal times. In some districts the men break off for dinner at 12 noon instead of at 11 a.m. To these hours of labour must be added about 1½ hours, the time occupied by the man in stable work, feeding and grooming horses, etc.

Apart from the bothy system there are cases where young

men both sleep and board in the farm-house, but more often it is usual for them to sleep near the farm buildings in a sleeping chamber, and take their meals in the farm kitchen. This is known in various places as the "kitchen" system, and is the most common form throughout the country of housing the unmarried farm servants. Speaking generally, there seems little doubt that, under this system, the men live more generously than when they do their own cooking.

The practice of providing sleeping accommodation for single men immediately over the horses cannot be regarded as other than unsatisfactory, especially where the property is old and the effluvia from the horses reaches the sleeper. It has been strongly condemned, and it is disappearing.

It is clearly established :

(1) That a large number of the existing cottages are too small or in bad repair and ought to be replaced.

(2) That there is a large insufficiency of cottage accommodation for farm servants.

(3) That the farm servants themselves cannot in the ordinary case dictate their wishes as regards the house accommodation available, that being a matter between the landowner and the farmer.

Of course, indirectly, an influence is brought to bear, as there is greater difficulty in getting and keeping good servants where the accommodation is faulty.

So far as the State actively encourages the setting up and equipping of small holdings, it offers what is to many farm servants at least an alternative method of earning their livelihood and so indirectly it leads to the maintenance of better houses on the large farms for the servants.

Section XIV.—HOUSING OF FARM SERVANTS: TYPICAL EVIDENCE.

The following are a few typical reports from different parishes :

ABERDEENSHIRE (S.S.S. 6).—Cottages in this parish are insufficient in number and their condition in many cases is very inferior. The houses are in almost every case too small.

(S.S.S. 7).—Labourers' houses in many instances are in very poor condition. It should be made compulsory for the owners to make farm labourers' cottages habitable, as the houses on the farm belong to the proprietor.

AYRSHIRE (S.S.S. 679).—Labourers' houses here would be much improved by the addition of washhouses. The cottages have been much improved within the last twenty years through sanitary inspection: more houses for married men are needed, however.

BANFFSHIRE (S.S.S. 17).—Better sleeping accommodation in the farms, and more housing for married men who have in many cases to take houses at the nearest village a few miles away from their work, are specially needed here in this locality.

BERWICKSHIRE (S.S.S. 20).—The cottages attached to farms here are in some cases old and small.

ELGINSHIRE (S.S.S. 522).—The labourers' houses here are being improved. There is a tendency to build the houses too small, however.

INVERNESS-SHIRE (S.S.S. 35).—The most serious complaint of housing in the rural districts of this district, is that there are no spare houses, if an estate or farm worker dies and happens to be the bread-winner of the family, the widow and family have just to find their way into Fort-William for housing.

(S.S.S. 39).—Within recent years there has been marked improvements in the bothies in this parish. Large numbers of farm servants having emigrated to the Colonies, the farmers have been compelled to improve the conditions of living in such bothies. Labourers' houses have been improved, but there is still great need for improvement in a considerable number of cases. There is a great deal of overcrowding, badly ventilated and small built houses, ill adapted for large families (farm servants having generally large families), and were it not for the splendid climate and bracing air, the children would never grow into the fine men and women they physically are. Through the bad housing, farm servants are continually shifting. From six to twelve months is usually the time they stay. As a farm servant's wife stated to me the other day, "Farmers only want to get a good day's work out of their men, and don't care how we are housed." In this particular case, the children were running out and in up to the ankles in mud and water. There were eight, including parents, confined to two small rooms where the surroundings were ideal so far as nature was concerned. If roomier and larger houses were built, and the men encouraged by prizes to keep good gardens

growing fruit and vegetables in large quantities, and some flowers as borders, there would be less of this shifting from farm to farm, and further, if farm servants were encouraged by loans, to acquire a smallholding, the competition thus brought into play would stimulate the large farmer to build a better class of cottages for their servants, or rather the estates would be compelled by them to do so.

ELGINSHIRE (S.S.S. 361).—Married labourers' houses vary greatly, but are generally good in this district. The principal objection to the dwellings of the labourers is due to the constant change on the part of servants, and thus there is a lack of desire to do their share in making their cottages comfortable houses. A well-kept labourer's garden is the exception rather than the rule. These migratory habits are also a great drawback to the education of the labourer's children.

If possible, the system of building a row of houses should be dispensed with, and separate cottages built. This would probably lead to the labourer taking a greater interest in his garden.

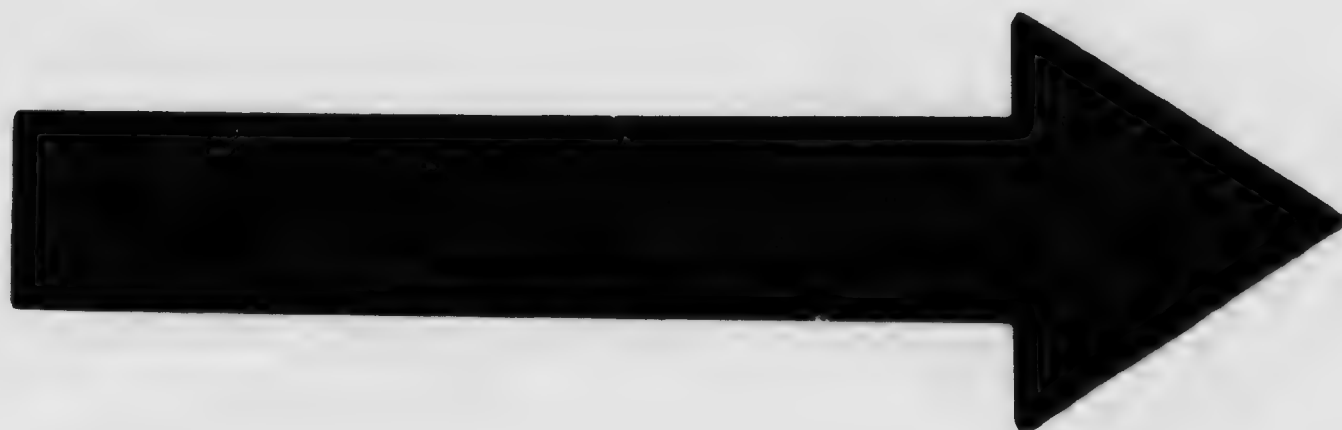
ROXBURGHSHIRE (S.S.S. 451).—The condition of the labourers' houses is far from satisfactory. Rooms are small, ceilings low, and the sanitary arrangements unhealthy and not always decent. In an ordinary farm servant's cottage where there is a large family, the sleeping accommodation is inadequate for the proper division of the sexes. The workers may complain, but it is usually futile. The farmer doesn't trouble himself, and the sanitary inspector as a rule is not disposed to make himself too troublesome. One such officer, who tried to do his work fearlessly and without favour, was practically worried into resignation. The sanitary inspector, if he is not to go about with a blind eye, should be a Government official.

(S.S.S. 68).—Where houses are bad there is dissatisfaction, and on certain farms there is a difficulty in getting suitable servants because of this.

On the other hand, the fact of a farm being provided with houses better than the average makes it more easy to obtain suitable servants.

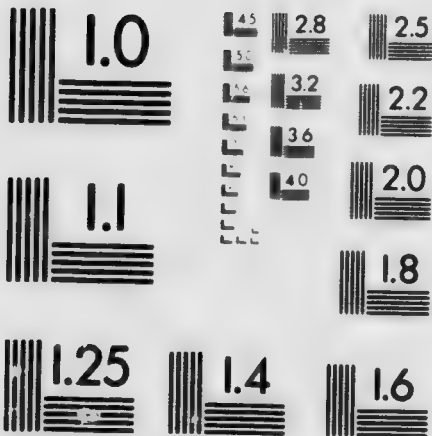
Many of the older houses are damp owing to the lack of damp-courses, and it is often difficult if not impossible, to correct this, e.g., on the cottages on this farm, certain improvements were effected and a drain put all round them at the suggestion of the sanitary inspector, but the result is not satisfactory; the partition as well as the outside walls are damp.

Many of the older houses are also too small, and lacking in the necessary accommodation.



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Water supply and drainage are difficulties in some cases. The situation is sometimes badly chosen.

One or more of these defects are too frequently present, though many of the houses are very good indeed.

The Local Sanitary Authorities have done much to improve them, but there is a natural unwillingness to complain except in very bad cases, and it is questionable if it is necessary to institute inspection throughout rural districts where there are no complaints or where there is not excessive sickness.

SUTHERLANDSHIRE (S.S.S. 83).—Labourers' houses are considered fair in this district: improvements could be made with great advantage on many of them as follows:

(1) Larger windows, and windows made to open.

(2) One or two rooms could be added to the large majority of the houses with great advantage, more particularly where there is a large family growing up.

WIGTOWNSHIRE (S.S.S. 291).—Labourers' houses could be greatly improved here. Many of the labourers live in bad, damp, ill-ventilated houses, which are the cause of a good deal of cold and consumption. Very few cot houses have any kind of w.c. at all. I think there should be one in every man's garden.

STIRLINGSHIRE (S.S.S. 93).—The great drawback with married ploughmen here is the want of comfortable houses. If more up to date ploughmen's cottages were built, the ploughmen would be far more content and would not shift about so much as at present. As a rule a married ploughman if he has a nice cottage and a good large garden seldom shifts.

(S.S.S. 95).—There is not sufficient housing accommodation for married ploughmen in this district, but the houses are generally of a fair class, with not less than two apartments. The houses occupied by the farm servants here have sometimes been built for some other purpose, and on that account many of them are rather far from the farms.

PERTSHIRE (S.S.S. 99).—Great objection is taken by ploughmen to the bothy system, mainly because the men can't make decent food for themselves, and it is not the practice to feed the men in the farm kitchen. Where this is done this difficulty disappears. But owing to the bothy being regarded as sufficient accommodation for the farm servants, there is usually only one cottage for a married man, and sometimes none, and the most of these young fellows at twenty-five years of age could quite as well marry then as later if they could get a house; and, if there

had been any prospect of it, they would have saved by then. It would be the greatest benefit the agricultural community could get, namely, more cottages to enable them to marry younger, and its effects would be evident socially and morally.

The condition of the labourers' houses is as a rule deplorable unless they are comparatively new. The old ones are the last things about a farm to be repaired, because the tenant as a rule has enough difficulty to get the landlord to repair his own house and steading. It is true that, as a rule, they are not too well kept by the farm servant, but that is because they don't stay long with one master as a rule.

The only suggestion is more cottages, and give the servants some chance to have a pride in their houses.

(S.S.S. 105).—Many labourers' houses are bad, and the older houses are mostly damp, hence many farm labourers are troubled with rheumatism in their latter years. Many farmers are so taken with their own houses and cattle they have no time to think about the welfare of their men. This occurs mostly I believe from want of thought.

FIFESHIRE (S.S.S. 327).—The bothy principle is a bad one; the housing has been much improved of late years, but in many cases the houses have too few rooms, which interferes with the ordinary decencies of life.

The following report of a recent case in the Huntly Small Debt Court is given, less on account of the facts as to the bad condition of the cottage than on account of the nature of the evidence led by the pursuer. It is from the *Northern Ensign*, December 16th, 1913.

(The *italics* are our own.)

At a sitting of Huntly Small Debt Court, Sheriff Stuart on the bench—Mr. Raitt, farmer, Cairnton, Cobardy, sued John Pirie, farm servant, for £4, being the amount of loss and damage sustained by the pursuer in consequence of the defender failing to fulfil his engagement as a cottar at Whitsunday last.

The defence was that the dwelling-house provided was not such as described by the pursuer to the defender when the engagement was made, and evidence was led on both sides. The defender's evidence was that the house was *too small, had only one fire-place was not wind and waterproof, and had no outside accommodation or sanitary accommodation*. The pursuer led evidence to show that the accommodation was similar to that usual in the district for farm servants' houses, and that no complaint had been lodged by the tenants of similar houses on the same farm.

Among the witnesses was an architect, who supported the defender's contention that the house was not suitable or habitable, and a master builder, who, in the interests of the pursuer, gave evidence to show that while the house certainly required repairs, he thought it was no worse than cottars' houses throughout the district. The Sheriff refused to give damages against the farm servant.

The following, for example, is an extract from a Report by a leading official of an organisation of farm servants :

I may put the matter briefly by saying that there is both a scarcity of houses in many districts, and the houses in existence are quite unsuitable. It is an exception to find a convenient and up-to-date dwelling. Many of them are very old, and according to our present standard, very unsuitable dwellings. The great difficulty, however, is in the care of the houses. There is no proper attention to repairs, and anything that requires to be done in the interior of the house has got to be done by the occupant for the time being. Owing to the migratory habits of the farm workers, this results in continued neglect of the houses. Even in the case of houses recently built, it is too often found that they are small and inconvenient and built on a site which increases the labour of the house-wife, in the way of carrying water, or in other necessary household work. Wash-houses are practically unknown. It is an exception to have water brought into the house, and in a great many cases the houses are situated at a long distance from the water supply, which may be of a most insufficient character. With regard to the bothies, so far as structure is concerned, they will compare favourably on the whole with the houses of married men. The objection to the bothy is that it is simply a shelter with the most primitive furniture, and with the best will in the world, young men who have to work long hours, simply could not make it into anything approaching a home. The remedy for that, I think, is to increase the number of married men's dwellings to give them more accommodation, so that young men may either live at home, or secure board and lodgings from some of the married men on the farm.

CHAPTER XV.

HOUSING IN RURAL DISTRICTS.

Section I.—SOME GENERAL REMARKS.

The housing of farm servants has been dealt with in Section XIII of the preceding chapter. The housing question generally is dealt with in the Urban portion of this Report.

The present position of the housing problem in rural districts may be summarised as follows :

(1) A comparatively low standard prevails in many cases as to the number of rooms desirable in a house. Ideas as to warmth, etc., have tended to render more popular the "but and ben" in the rural districts and the one-room and kitchen type of house in the urban areas. Another advantage claimed for the smaller type of cottage is that it diminishes the amount of housework thrown on married women. Very often, too, the rooms are higher and larger than in England for example, but, in spite of these things, it is not satisfactory that so many fathers, mothers, and quite large families live in houses with so few rooms.

The alteration of an accepted standard is, of course, difficult, and we fully realise the special advantages of the present system. If, however, a better type of house as regards the number of its apartments, etc., was provided gradually it would probably be taken up, and so by degrees the population would get accustomed to a better standard of housing. The Local Authorities are making very slow progress (much slower than they themselves frequently wish) in their efforts to deal with the conditions of housing generally, even where these conditions are admitted to be very bad.

(2) The trouble has been less in locating insanitary and otherwise dilapidated houses and cottages in respect of which closing orders should be made than in providing housing accommodation for the people who would be so displaced. In every part of the country Local Authorities are faced with the difficulty of enforcing closing orders when the only alternative is to deprive the people of any shelter at all if they were turned out of their present cottages.

(3) The difficulty of obtaining land for housing and the high price to be paid for it has an influence in preventing the development of housing in some instances.

(4) There is in very many districts such a lack of proper housing accommodation as to endanger the well-being of the community. It is generally agreed that the bad housing accommodation of farm servants has had an influence in inducing them to go abroad.

(5) No feature of the remedial work in housing is more clear than the unwillingness and inability of the Local Authorities to levy the rates necessary for giving effect to any suitable schemes of housing.

Other special features accentuating the housing difficulty:

(1) The general question of the increase in building costs within recent years, the high rate of interest on money and the general unwillingness on the part of builders throughout the United Kingdom to engage actively in building operations.

(2) The demands of seasonal trades. This is specially marked as regards the fishing industry, potato lifting and fruit farming. As regards the fishing industry many towns around the sea-board are called on to accommodate a large population for possibly a few weeks only during the height of the fishing and a considerable problem always is how far ordinary standards can then be insisted upon. As regards fruit farming a notable effort has been made at Essendy, Blairgowrie, for example, by erecting special buildings at as cheap a cost as possible for the accommodation of the fruit gatherers employed

at the harvest season. A considerable problem remains elsewhere in housing the casual workers employed in potato lifting.

(3) Though a marked and very notable improvement (as we have shown) has been made in the housing conditions of those persons who had land and gained security of tenure under the Act of 1886, there is still the large and difficult problem of the landless in the north-west particularly in the Islands. (See Chapter XVIII.)

(4) A scarcity of houses in and around Cromarty, Invergordon, etc., is directly attributable to the activity of the naval authorities and the consequent influx of workers.

(5) It is reported from various districts that the lack of housing accommodation is not associated directly with any inability to pay an economic rent for accommodation if in fact accommodation was available. There is not much scope for speculative building in a small village. The general tendency is for houses to be built only to order. There is therefore no margin of housing for persons wanting short tenancies.

(6) There remains too, the general class of casual workers and others who in so many districts are unable to pay economic rents for cottages even if these were provided.

Section II.—EXTRACTS FROM REPORTS, ETC.

The following are some further details as to the conditions of many of the existing houses in the rural districts :

(1) A very large number of the older houses and cottages in rural districts are damp and in an unsatisfactory condition of repair. From district after district it is reported that "the principal defects are damp earthen floors, damp walls, leaky roofs, defective drainage and water supplies, and the absence of proper ventilation."

In many cases the defects are remedied, but in others it is considered too expensive to do so, or for other reasons the

repairs are not made (the houses in some cases being closed voluntarily), and the making of closing orders is always rendered difficult by the fact that better accommodation is generally not available, so that, if the houses are closed the people are driven into the towns. The following are a few typical extracts from reports :

ARGYLLSHIRE.—Many new houses have been erected and many of the old houses improved by rebuilding or elevating the walls, roofing with corrugated iron, felt or slates, instead of thatch, and by altering or providing windows so as to open for ventilation. On the other hand, many houses of one, two or three apartments are ill-constructed, damp, badly drained and ill-ventilated. . . . In the opinion of the Medical Officer it is utterly impossible to safeguard the health of the other inmates in the small crowded houses so common in this county, if persons suffering from consumption reside therein.

AYRSHIRE.—The Medical Officer of Health reports that 1,072 houses were inspected under Section 17, and that of these 107 were considered to be unfit for human habitation, and that 172 defective dwelling-houses were remedied without the making of closing orders. The general character of the defects comprised damp walls, absence of damp-proof course, and of strapping and lathing, broken plaster of walls and ceilings, defective floors, insufficient means of ventilation, defective roofs, want of proper rhones and rain conductors, defective drainage, etc.

The majority of houses found defective were such as could be put into a proper state of repair without closing the houses, and these were brought under the notice of the owners in terms of the Public Health Act. As the proprietors generally agreed to remedy the defects no further action was considered necessary. In cases brought under the notice of the Local Authorities with a view to the making of closing orders, the latter allowed the proprietors a specified time within which the houses would require to be put into a habitable condition or closed.

CLACKMANNAN.—Considerable difficulty exists in some cases as to deciding on the unfitness of houses for human habitation. The majority of old houses are damp, and to render them dry is an undertaking quite beyond the region of economics. There are some houses in the county with an annual rental of £3 to £5. To make them dry by insertion of a damp-proof course, new flooring with sub-floor venuation, lathing and plastering of internal walls, pointing of external walls, repairs to roof, rhones and rain-conductors, etc., will cost so much that there will be no possibility

at profit for many years. If they are all compulsorily closed there will be no houses available within the means of the tenants. We have, therefore, to be content with getting partial repairs carried out to reduce the dampness, to improve lighting and ventilation, and to facilitate the keeping of the houses in a cleanly and moderately sanitary condition.

In the county district, 230 houses were inspected for the purpose of Section 17, and seventeen were considered to be in a state unfit for human habitation. In the case of ten houses, the defects were remedied without the making of closing orders. The general character of the defects was dampness, disrepair, defective lighting, and lack of sanitary conveniences, and as a general rule, these defects were remedied when notified to the owners of property.

(2) It is indicated in many cases that Local Authorities prefer to take action under the Public Health Act rather than under the Housing and Town Planning Act. The following are extracts from reports by Medical Officers of Health :

DUMFRIESSHIRE.—In general it is found more convenient to deal with the housing defects under the nuisance sections of the Public Health Act than under the Housing, Town Planning, etc., Act. Under the latter, either houses must be closed as provided for in Section 17—which creates difficulty in rural areas when other houses are not immediately available for the use of persons displaced—or a notice must be served under Section 15 on the landlord “to execute such works as the authority shall specify in the notice as being necessary to make the house in all respects reasonably fit for habitation.” This requirement to specify the works necessary, opens the door to contention, appeals, and delay. Under the Public Health Act the first step is to intimate the defects to the person responsible, and in the very great majority of cases it is found that this is all that is necessary to get the defects remedied. Most landlords are found willing to take action if these defects are brought to their notice, and an opportunity given them of doing so without reporting to the Local Authority. On the other hand, the Housing, Town Planning, etc., Act not only arouses much antagonism, but contains not a few pitfalls for the unwary.

FIFESHIRE.—To a County Medical Officer with a wide district to cover the requirement contained in Section 15 (2) of the Housing, Town Planning, etc., Act, that twenty-four hours' notice in writing must be given to the tenant or occupier of an intended inspection often proves a source of difficulty.

If, in the course of routine work, a house is noted of which the condition is such that action may appropriately be taken under the provisions of the Housing, Town Planning Act, notice must

be given and a special visit paid; this may mean a long journey from headquarters.

In view of the simpler provisions of the Public Health Act, the reason for the previously notified special visit under the Housing, Town Planning Act is not obvious.

RENFREWSHIRE.—The Medical Officer of Health reports that the procedure under the Housing, Town Planning, etc., Act, for the closure of houses unfit for human habitation does not commend itself to the District Committees in Renfrewshire. They do not care to assume judicial functions and issue "orders" for the closure of houses. They prefer the old method of procedure under the Public Health Act. They are quite willing, on representations being made to them by the Medical Officer of Health, to authorise legal proceedings for the closing of houses unfit for habitation, to be undertaken by the Public Health Department before the Sheriff.

(3) As a general rule the policy of the Local Authorities is to endeavour to get the owners of defective houses to execute the necessary repairs, as, if they make closing orders, they are faced with the alternative that no other houses in the locality are available. In many cases the owners make the necessary repairs at once.

KIRKCUDBRIGHTSHIRE.—The houses at — are old houses of low rentals, and require much money to be spent to improve them. There are a good number of houses that are already voluntarily closed. Sufficient was seen here and in some other places to show that if too drastic measures are adopted, rural depopulation will be still further hastened. The class of people usually occupying such houses, if compelled to leave them, drift to the poorest houses in neighbouring towns, where their last condition is worse than the first. It has therefore been the custom of the Sanitary staff to encourage owners of such property to carry out such reasonable improvements as will render the houses wind and water-tight, and which can usually be done at a reasonable figure. There is little evidence of building of new houses for the working classes in any of the districts, but what have been seen are of an improved type.

ROXBURGHSHIRE.—It may be noticed in the Sanitary Inspector's returns that there have been no prosecutions in 1912, and very few in previous years, the reason being that in the majority of instances a proprietor considers that if the local authority has decided to issue a nuisance notice it will be to his interest to accept the decision and carry out the work required.

A large number of intimations are attended to on request, without the necessity for the issue of a notice by the local authority.

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CHAPTER XVI.

DEVELOPMENT.

Section I.—UNDER-DEVELOPMENT.

It is sufficiently clear from what has been stated already that in most of the counties of Scotland (leaving out the best districts of the Lothians, parts of Ayrshire, Renfrewshire, and some other small districts) there is very much under-development of the land, in the sense that large areas which might be under cultivation are not cultivated; that farms and districts which might carry much better stock and crops, carry indifferent stock and poor crops; and that through lack of adequate equipment, *e.g.* maintenance of farm houses, labourers' cottages, and the decline in the conditions of other work described generally as permanent improvements, namely, drainage, maintenance of pasture against its decline to bracken or heather-covered land or water-sodden soil, much land is being put, not only to a poorer economic use than prevailed years ago (within living memory), but, also, that nothing is being done to reclaim land which, with the expenditure of labour and capital, can be rendered economically productive of agricultural produce.

FIRST CONSIDERATIONS.

We take it as an essential rule in this respect that the standards we employ and the proposals we make should be sound, on business lines, and on the ordinary principles of finance

and economics; and in accordance with this rule we put on record our conviction that there are in rural Scotland to-day great possibilities of sound development on a commercial and economic basis. It is not a question so much of raising more than is already raised by the best farmers, but of making the average production larger and better, and, in addition, bringing into use for productive purposes land not at present productively used. There is in Scotland as highly developed land and as high-grade stock as anywhere in the world. But in dairying in Denmark, for example, a higher *average* is obtained, though there is nothing which is done in Denmark in dairy farming which is not equalled by individual farmers in Scotland; and in the growth of grain and other produce in Denmark, there is nothing to equal the best that is done in the Lothians. But in certain directions in Denmark—for example, by a more general and better organisation, a more general development, and by the greater capital that is sunk in the business—better results are obtained by an average farmer; and it is, in the main, in this work of largely increasing the productivity of the less well-managed lands that the prospect of largely increased and certain rewards is assured in Scotland. This is a conclusion which applies to every branch of the agricultural industry.

We are fully aware that this involves the application of increased capital to the soil, but with so many proprietors quite unable to assist in this, and, when they are able, unwilling, and the tenants, also, under present conditions unwilling, we are of opinion that the case for full legal security of tenure is overwhelmingly strong, and is a first condition of successful development.

We desire to emphasise the point, also, that a great rural industry pursued vigorously in other countries—namely, the reclamation of waste land—is almost a lost industry in this country.

The object in view, then, is to secure that the soil is put to its best use, and it is in order to secure this end that all the machinery of reformed tenure, land banks, co-operative organisations, and the other expedients, have their value.

Section II.—THE NEED OF AN INCREASED PRODUCE.**The Advantageous Prospects of the Agricultural Industry.**

At present there are probably greater opportunities for development in agriculture on sound commercial lines than in possibly any other great industry in Scotland. In saying this it must not be taken that we are indifferent to the interests of maintaining a rural population on national grounds, but that in the conflict of suggested improvements and agricultural policies, in regard to which it is so easy to proceed on lines which may end disastrously and involve the taxpayer in the long run in greater expenditure than the anticipated rewards are worth, we consider it of great importance that the advantageous position at present occupied by the agricultural industry should not be lost sight of.

Forces not confined to this country, but world-wide, are at work tending to raise the prices of food. This increase of price is one of the causes behind the industrial unrest at the present day: men find that, owing to the increase in the cost of such articles of food as bacon, beef, butter, etc., their wages do not go so far. The factors producing this result are complex, but one of the most fundamental is that the demand throughout the world for agricultural produce is increasing more rapidly than the supply, and consequently there is no more pressing social question than to secure an increase in the volume of the agricultural produce raised in our own country. This is one of the features that makes the land question so urgent to-day.

Some of the causes at present tending to increase the prices of agricultural produce in Great Britain are:

(1) The improvement in the standard of living among the working classes, in the industrial communities of Europe especially, though it is by no means confined to them.

(2) The reduced tariff in the United States.

As regards (1) the increase in the standard of living: throughout the world the tendency is towards a continuous

improvement in food consumption, especially on the part of city artisans and urban workers; and urban populations are increasing. Another important factor is that a working class population does not readily reduce an improved standard of living, and the tendency during the last forty years has been towards a steady and continuous improvement in this standard. Among the city artisans and the industrial population of Germany, France, the United States, and Great Britain this is very marked. Great Britain is specially affected as the proportion of her food supplies which is imported is so large. This increase in the standard of food consumption in the countries which supply British markets tends at once to an increase of prices in this country. Siberia, for example, is one of our greatest sources of supply for certain articles of agricultural produce, butter, etc.; but with any marked improvement in the conditions of the large masses of the Russian people there would remain a diminished surplus for export to this country.

As regards (2) the position in the United States is of great importance from this point of view. From being an exporting country as regards agricultural produce, the United States is now an importing country. The total number of cattle in the United States during the most recent years for which there is information (Cd. 6,588, 1913) is decreasing. The figures are:

CATTLE.

1908	-	-	-	71,267,000
1909	-	-	-	71,099,000
1911	-	-	-	60,502,000
1912	-	-	-	57,959,000

As pointed out in an interesting article of June 4th, 1913, in *The Times*, there has been a decline in beef-cattle in the United States during the past six years of 30 per cent. In 1912, for the first time in history, the value of the exports of animals and animal products from the United States, fell below that

of the imports, and all the time the population and the demand for beef are increasing; and *The Times* correspondent pointed out that the adoption by the Senate of Dr. Wilson's proposals for the abolition of the tariff on wheat and on meat, would mean slightly lower prices in the United States, but could hardly avoid raising prices in the rest of the world, and especially in Great Britain.

The point is, that so long as the United States had a substantial tariff on these products, the flow of Canadian, Argentine, and other products to Great Britain was easier. When, however, it becomes as easy for the Canadian and Argentine produce merchants to sell their goods in New York as in London, their market is largely increased, and Great Britain has to pay higher prices. This is a factor that is already in operation, and recently the spectacle has been witnessed of frozen Argentine meat which had been landed in British ports being reshipped to New York.

Should Germany reduce her tariff as regards agricultural produce it would scarcely be possible to avoid a further increase in prices of agricultural produce (due to that cause alone) in this country. Some portion of the present Danish and Siberian produce coming to British markets would be diverted to Germany.

As regards the United Kingdom, the following figures are of great importance in this respect (Cd. 7,131, 1913):

TOTAL NUMBER OF CATTLE, PIGS AND SHEEP.

	Cattle.	Pigs.	Sheep.
1900 . . .	11,455,000	3,664,000	31,055,000
1905 . . .	11,674,000	3,602,000	29,077,000
1909 . . .	11,761,000	3,543,000	31,839,000
1912 . . .	11,915,000	3,993,000	28,987,000
1913 . . .	11,935,000	3,305,000	27,627,000

TOTAL CULTIVATED AREA IN ACRES.

1900	-	-	-	-	-	47,795,000
1905	-	-	-	-	-	47,673,000
1909	-	-	-	-	-	46,888,000
1912	-	-	-	-	-	46,794,000
1913	-	-	-	-	-	46,743,000

TOTAL POPULATION.

1900	-	-	-	-	-	41,154,646
1909	-	-	-	-	-	42,980,188
1909	-	-	-	-	-	44,518,264
1912	-	-	-	-	-	45,662,646
1913	-	-	-	-	-	46,035,570

Thus while the population is increasing, the food supply raised in this country is decreasing.

The central factor is that throughout the world the supplies of agricultural produce are not, at present, increasing with the demand; and the prices of the principal food stuffs show substantial increases.

The following figures show the increase in retail prices of certain articles of food (Cd. 7131, 1913).

INCREASE PER CENT. IN 1912 OVER PRICES IN 1900.

						Increase.
						Per cent.
Bread	-	-	-	-	-	19.5
Flour	-	-	-	-	-	18.5
Oatmeal	-	-	-	-	-	23.4
Bacon	-	-	-	-	-	32.3
Beef (imported)	-	-	-	-	-	26.7
Beef (British)	-	-	-	-	-	8.9
Mutton (imported)	-	-	-	-	-	6.5
Milk	-	-	-	-	-	2.0
Butter	-	-	-	-	-	13.8
Eggs	-	-	-	-	-	14.1
Cheese	-	-	-	-	-	17.3

The point of greatest importance to the agricultural community in Scotland is that to all appearances they are assured of good prices during the next few years; and from the point of view of the nation, it is in the highest degree desirable to secure a larger agricultural production within our own country.

Section III.—INCREASED PRODUCTION.

A few further remarks may be made regarding certain phases of the under-development of the country.

Lack of capital on the part of tenants; the need for using better manures; the need for improved stock, etc., are reported widely as reasons for under-development of land at present under cultivation.

The following are a few examples:

KIRKCUDBRIGHTSHIRE (S.S.S. 42).—Agriculture could be more developed here by more money being spent on the land, and education in agriculture would help the process. The small-holders generally do not interest themselves in new ideas in farming, nor do they manure their land properly.

Agricultural schools on the Irish model would much help our small farmers, and some of the larger ones, as comparatively few farmers in this district now go to the Agricultural College.

ABERDEENSHIRE (R.B. 613).—The fact that by better cultivation and better manuring, better crops are got, is in itself indication enough that the yield of agricultural land could be increased. In this area the land as a whole is fairly well cultivated. There are, however, some districts where there is need for better manuring, and more attention being paid to seeds. In this direction, co-operation, when established, will do much good.

In many districts near markets intensive cultivation could be adopted to a greater extent than at present.

There is a considerable area of good arable land devoted to grazing here which is not the best use to which such land could be put.

ELGINSHIRE (R.B. 418).—In this district the land in many cases is, I believe, put to its best use, though in some cases the yield might be increased. The principal reason seems to be the want of sufficient means by the tenant. In some cases there is not a sufficient amount of artificial manures used. The result is that

the land does not grow what it might do. There are some croppings which are rather poor land, and their rent is rather dear. The occupiers do not see the need of artificial manures, or else they are hampered for want of means, and do not give it enough.

As regards both lack of means and failure to make use of the most profitable forms of cultivation it is always to be remembered (to quote from one of the reports) that :

With greater security of tenure tenants would put more capital into their holdings, and thereby increase the production.

Many of them are quite alive to modern methods, but the terms of the leases under which they hold their farms militate against their adoption.

And further, it is always to be recognised that there are, of course, limits at which the increased cost of production counterbalances the value of the results obtained. There are smallholdings in the country (generally smallholdings) where the produce raised is not commensurate with the cost of raising it, but they are exceptional cases. In this connection the following extract from a Report may be made :

HADDINGTONSHIRE.—There is little doubt that the average annual yield of farm crops could be much increased. The evidence is quite open to anyone who knows. There are difficulties in the way of largely increasing production, however, in certain cases. The main one is the increasing cost and the relatively small value of the products. Manure (not artificial) is getting much scarcer and dearer owing to the increase in mechanical traction in towns; wages are getting somewhat higher, local burdens tend to increase, and there is a great shortage of store cattle for feeding purposes, with the result that the feeding farmer in this locality, as over the whole country, has difficulty in making a profit, and the consumer has to pay a high price for his meat.

Section IV.—CO-OPERATIVE METHODS.

It is suggested by many who have sent us reports that if the principle of co-operation was not adopted along with the creation of smallholdings on a comprehensive plan, results would certainly be less satisfactory.

We recognise, however, that where holdings are very scattered the advantages to be gained from any scheme of

co-operative effort are smaller than where they exist in colonies. This is a circumstance that is too often overlooked in regard to Scotland, where smallholdings are frequently very scattered, and the large farmers are not under the same necessity to co-operate. To some extent, however, the expense of collecting over a large area is minimised by the producers delivering their goods at suitable local centres for collection by the co-operative organisation.

This is one of the reasons (namely that, in so many instances in Scotland, the smallholdings are scattered) why co-operation has made less progress among the small farmers in Scotland than in Ireland, where it has had such notable results. In comparison with its development on the Continent and in Ireland, agricultural organisation has made little headway in Scotland, although as a matter of fact the movement is extending steadily, and farmers and proprietors alike are becoming more and more alive to its benefits. In the collection, grading, and marketing of eggs, butter, milk, poultry, for example, and in the purchasing of manures, coals, seeds, agricultural implements, cattle, etc., individual members of co-operative societies obtain advantages which are of the first importance.

Through the action of the Scottish Agricultural Organisation Society and other bodies there are now a number of such societies in existence in various localities. The considerable success of the business of egg production in Orkney is attributed generally to its co-operative organisation.

For dairy factories run on co-operative lines there is undoubtedly a profitable future in many parts of Scotland. The marked success of similar institutions in Denmark shows the possibilities that exist.

It is easier by co-operative effort to grade the goods, pack them and secure a regular supply under conditions and in quantities that suit the markets. It is also easier to get better facilities for transit and at better rates.

This matter of grading, etc., is a most important consideration as the wholesale produce merchants are less willing to purchase goods which are not graded, packed and supplied

in accordance with the demands of their markets. Regularity of supply (so far as practicable) is also a great consideration.

The insurance of live stock, crops and equipment can be carried out much more economically by such societies. It is not commonly recognised that the actual risks in agriculture vary considerably in different localities, and districts where the average of risk is low can get an appropriate advantage.

A co-operative organisation can also obtain more expensive machinery and implements, also pedigree sires for breeding purposes for the use of its members. In various other ways they can act for their members, such as renting land for grazing stock in common, wintering stock, etc.

In the matter of marketing perishable goods by motor transit by road there is an extending field for co-operative action, especially throughout that extending area within reach (by rapid motor transit) of urban centres of consumers.

And beyond what can be achieved by co-operative action by smallholders is the larger question of improved railway facilities; the making of more light railways etc., matters of the utmost importance in the problem of rural development. The practical difficulty is that the money return on the capital expenditure necessary is too small to attract the private investor. This question is part of another investigation and need not be discussed further here.

LACK OF TRANSIT AND CO-OPERATIVE FACILITIES.

The following are typical extracts from Reports that have been received from different districts.

AYRESHIRE (S.S.S. 12).—With small farms here the produce is as a rule, more expensive to market. This is where co-operative action can come in.

It is certainly difficult to find a *complete* remedy. In fact, unless all are marketing at the same place, it would be difficult to suggest one.

With milk, for instance, unless it was being collected at a convenient centre where it could be taken in quantity either by motor or otherwise to the big centres, the cost of driving a small quantity any distance would be a distinct disadvantage, and the same applies to all the produce from a small farm.

ARGYLLSHIRE (S.S.S. 15).—Want of railway facilities is a great drawback in this district.

Co-operation in purchasing feeding stuffs, implements in bulk, and in disposing of products would help to the relief of the present stagnation.

CAITHNESS-SHIRE (S.S.S. 21).—Light railways and motor wagons would assist greatly in developing a system of co-operation in buying seeds, manures, and feeding stuffs, and again in disposing of their produce in the markets of the south; especially is this the case regarding our fish and egg trades.

DUMFRIES-SHIRE (S.S.S. 23).—Co-operation to provide motor transport, and to establish creameries would be most useful in various districts here.

ELGINSHIRE (S.S.S. 32).—A system of co-operation might be profitably gone into in this district for the sale of eggs, poultry, and butter. A motor service would be a great boon in this outlying district.

INVERNESS-SHIRE (S.S. 191).—As matters stand at present, the farmers and crofters obtain but very low prices for their eggs, as they dispose of them to local traders who give groceries, etc., in return.

It would also be of great advantage that farmers and crofters should buy such necessities as seeds, manures, agricultural implements, and even meat, through a co-operative society.

KIRKCUDBRIGHTSHIRE (R.B.R. 241).—Co-operation for the purchase of seeds, feeding stuffs, and implements; for the collecting of milk where dairying is carried on, and for manufacturing it and placing the product on the market would be of advantage. If extended to the curing of bacon it possibly would be the most remunerative.

ROXBURGHSHIRE (S.S.S. 63).—Where a group of smallholdings are established it would be of great benefit to the holders to have a creamery, run on co-operation principles, within easy distance, where butter, etc., could be prepared for the market. The accommodation in many small farm houses is often unsuitable for butter making, with the result that a great amount of inferior butter is put on the market every summer.

(S.S.S. 68).—If a system of co-operation were in existence here there would, with smallholdings, be more dairying and poultry keeping, and greater production of articles of greater value and smaller bulk, for which regular and even daily delivery is necessary. Co-operation would then be necessary for economical transit of these articles, and the available transit would tend to increase production of similar articles on the larger farms.

PERTSHIRE (S.S.M. 299).—Co-operation would have to embrace every department of farming activity. Preferably in organising the collection and disposal of all produce first, and finally of all purchases. As to the disposal of produce, it should begin with the most perishable commodities first, such as milk, butter, eggs, poultry, mutton, beef, pork, vegetables, potatoes, grain, etc., in the order named. And for purchases, manures, feeding stuffs, seeds, sires, etc., for the improvement of stock, etc., and finally household goods and all necessaries of life. The areas and routes for collecting and distributing could not possibly improve on the routes of the rural postmen, except where these were modified by the existence or not of main thoroughfares or the proximity to railway facilities.

(S.S.S. 100).—Co-operation in (1) transit; (2) marts; (3) disposal of fruits, would give an incalculable impetus to this district. In the parish of —, fruit growing conditions are excellent, but each man standing on his own is too small to command a good market.

Efforts to Provide Co-operative Facilities.

Here and there co-operative organisations are in existence, and are doing good work. The following are a few instances:

AYRSHIRE (S.S.S. 13).—In this district a Co-operative Dairy Association for the handling of milk and the manufacture of cheese, has been a great boon to the farmers in increased prices for dairy products.

ABERDEENSHIRE (S.S.S. 8).—In this county The North Eastern Agricultural Co-operative Society, Ltd., is doing good work, having about 1,300 members, and a turnover of between £60,000 and £70,000 a year.

DUMFRIES-SHIRE (S.S.S. 328).—Three years ago a Co-operative Society was formed here in connection with the Edinburgh Farmers' Supply Society, which has proved a great boon to many in establishing a store where we have derived great benefit in the purchase of manures, cakes, and seeds, etc., in large quantities, so that the goods can be supplied in quantities to suit the highest or lowest quantities, and payment in cash or credit as desired, and approved by committee.

The Secretary for Scotland, in the House of Commons on 10th June, 1913, stated that the Board of Agriculture were doing their best to encourage schemes for the establishment

of land banks and co-operation; that he was informed that there were ninety-six co-operative societies affiliated to the Scottish Agricultural Organisation Society, and that the Scottish Small Holders' Association were considering the question of a land bank.

In practice the task of initiating a scheme of co-operative action is generally one of some difficulty, and it is possible that the existing voluntary organisations may have to obtain more active assistance from the Board of Agriculture in this work. By lending the assistance of expert officials, etc., it should not be difficult for the Board of Agriculture to provide very real help in the matter of getting such organisations started.

Too much, however, must not be expected of such co-operative organisations in every case, and where the holdings are very scattered, and the cost of collection, etc., is correspondingly high, this may neutralise the additional financial advantage accruing otherwise.

Section V.—AGRICULTURAL CREDIT.

Part I.—The Want of Credit Facilities.

The object generally of co-operative land-banks is not that of making a profit for their members as a banking concern but the supply of credit to enable the agriculturist to make a profit in his own business.

The establishment of credit banks or better money facilities to assist the smallholder in his operations seems necessary, especially having regard to the demands of intensive cultivation and an increase in the capital to be invested in the soil.

The small farmer with insufficient capital has often to sell live stock or produce at very low prices in order to pay rent or debts. There is a saying current in some districts that one can always get a cow cheap about rent time. A very large part of the farmer's total produce tends to be marketable about the same time—just after harvest—and a considerable portion of his financial liabilities—rent, etc. is payable also at a common time—the half-yearly terms.

Through want of capital very many of the smaller farms are understocked, or are carrying an inferior class of live stock.

There is a great dearth of young store cattle for fattening purposes; and, as already remarked, there is every prospect of a still greater dearth of "stores" during the next few years. With more capital these could be raised in much larger numbers on the smaller farms, and the surplus would be acquired readily by the larger farmers.

The following typical extracts from Reports may be quoted:

BANFFSHIRE (S.S.S. 118).—It is quite a common thing for tenants here, in order to pay rent or manure accounts, to be obliged to sell live stock or grain at too low a price, whereas if they could have held on for two or three months they would have secured far better prices. The present banks require good security, and often charge 5, 5½, or 6 per cent. for overdraft.

BERWICKSHIRE (S.S.S. 220).—If such banks were established and prepared to take risks, and at the same time lend money at 3½ or 4 per cent., they would be of great advantage to farmers with insufficient means. The existing banks do not as a rule lend money at less than 5 per cent., and in cases where the security is not absolute the rate is higher still.

ELGINSHIRE (S.S.S. 32).—Better credit facilities would give a great impetus to the rearing of stock, and would greatly encourage intensive cultivation in this locality.

INVERNESS-SHIRE (S.S.S. 34).—Credit facilities would be the making of new smallholders throughout this county: the great difficulty at present is in stocking new holdings. Many families if they got assistance to stock would soon pay off any advances they received.

KIRKCUDBRIGHTSHIRE (S.S.S. 50).—Land-banks would be a help in lending money at a lower rate than present banks do, as when farmers are short of money for a short time, they have to sell stock and crops at a disadvantage. The farmers could also buy more manure and grow better crops if they had better money facilities.

PEEPLS AND SELKIRK (S.S.S. 58).—Better credit facilities would help smallholders and farmers generally, as they might borrow

for a month or two, and get produce more profitably sold. It is often said, and with some truth, that you can get a good cow cheap before rent time, about the terms.

ROXBURGHSHIRE (S.S. S.63).—Land-banks would be of very great assistance, particularly to the small farmer—the big men are, as a rule, well enough served by the existing banks—inasmuch as he would be enabled not only to increase his stock, but to choose his own time for marketing it. If capital was available on reasonable terms, more cows could be kept and calves would be reared in greater numbers. It is generally too much trouble to the large holder to rear calves, consequently they are dependent on England and Ireland for their main supplies of store cattle.

(S.S.S. 73).—Land-banks would benefit small farmers greatly, and enable them to increase their own stock and not be obliged to dealers and others for consuming turnips, etc., on the farms: thereby giving the tenant all the profit coming from his holding.

RENFREWSHIRE (S.S.S. 75).—There is certainly room for land-banks in this county where, for instance, a farmer short of cash needs to rush his crop on to a low market (in bad condition) to enable him to pay his rent.

WIGTOWNSHIRE (S.S.S. 87).—Land-banks would be very useful here, especially to the small farmers. A little help would often enable them to increase and improve their stock, and to adopt improved methods of cultivation.

PERTSHIRE (S.S.M. 299).—The establishment of land-banks, with better facilities for credit, would have an enormous effect on increasing and improving the stock here. A large number of farms are notoriously understocked, or stocked with animals of bad quality. When a farmer has exhausted his credit with the merchants, he has to take as little as he can do with, often of an inferior quality at an enhanced price. There is far more of this than appears on the surface, as my experience brings me in daily touch with it.

FIFESHIRE (S.S.S. 111).—Land-banks would help small tenants to begin with, provided they have some capital of their own. Farmers without capital are generally a failure, unless those who have a hard working family of their own.

The problem scarcely arises as regards the very large farmers, who, as a rule, have little trouble in obtaining the necessary facilities from the ordinary banks; it is as regards the smaller man that further provision is necessary.

At present an advance can be obtained by the agriculturist from a bank :

(a) By the deposit of adequate securities.

(b) By the bank accepting the personal guarantees of, say, two sureties, who undertake liability for the amount of the overdraft that is allowed.

It is obvious that in a community of small agriculturists neither of these conditions can readily be complied with, and the great need then is to secure financial facilities on what is more or less the personal character of the agriculturist concerned.

Take the case of the smallholder whose horse has suddenly and unexpectedly died ; a sum of £30 (say) is necessary for the purchase of a new horse. The smallholder has not this money. If, however, his neighbours have sufficient confidence in him there is not a great risk in their advancing him the necessary sum on their joint credit. They have him always before their eyes, they know his personal reliability, and they can deal with him more effectively than anyone else.

It is also pointed out in a number of reports that small farmers who are so handicapped by the absence of credit facilities that they have to engage in other occupations in order to make a living, would be better employed altogether in agriculture if they had it in their power to apply to their holdings the increased capital necessary for a larger and an improved stock, intensive cultivation, etc., so as to develop their holdings so highly as to make it profitable for them to give all their attention to this work. Instead of engaging indifferently in two occupations, they would be more fully (and better) employed in one.

Part. II.—The Special Demands of Agriculture on Credit Facilities.

(1) This question of increased credit facilities is of special importance at present in Scotland in view of the operations of the Small Landholders' Act. Having gained security of

tenure, the great task now confronting smallholders, both actual and potential, is to obtain those credit facilities which are necessary for the proper conduct and development of the active business of working their holdings with the greatest measure of success.

(2) The existing credit institutions have been shaped with regard to our great urban industrial development. The needs of agriculture are different and do not receive adequate consideration.

In the first place the units of the agricultural industry cannot be massed together, as with manufactures or urban industries generally; nor, however much agriculture is developed, is it ever likely to be consolidated on enormous wholesale lines like so many other industries.

The tendency, inevitably, is to have a large number of, more or less, small accounts as regards banking. Again, the period of production is generally long; it is limited by the length of the seasons, and cannot be very much expedited. An ordinary field crop does not usually ripen before the autumn, and young animals (*e.g.* calves or foals) as a rule, are kept, one, two or three years at least before they are sold. Harvest comes, more or less, at the same time, and then all the farmers have their output to sell. Throughout the rest of the year they are more in the position of borrowers. It is an industry, also, which is liable to sudden and unforeseen risks, such as the death of cattle by disease, the failure of crops through bad weather, or the sudden fall in prices of a particular commodity.

Banking facilities in this country are seldom adapted to suit these special circumstances of agriculture, and, admittedly, they are better suited to the continuous recurring demands of our enormous industrial and commercial environment.

It is, therefore, the special problem of land-banks to provide credit facilities which are adapted to the special circumstances of agriculture. This requires the devising of a means by which credit can be given to the small farmer for the purchase

of stock, etc., the return on which purchase the farmer himself will not realise sooner than over a considerable period. What security is to be insisted upon in respect of such an advance is the practical point on which the solution impinges, and by general agreement the joint security of the smallholders organised in a co-operative union offers the best solution of the credit deficiencies of its individual members.

The lines of development as regards organising the necessary credit facilities seem to be :

(1) By voluntary mutual action on the part of the agriculturists directly concerned.

(2) Action by the existing banks. The difficulty as regards them is that the business does not offer in itself much prospect of large commercial profits. On the other hand, very many of the existing branches of banks in small country towns could undertake the additional business without much trouble ; and there is always the inducement that, on the ordinary trading side of its business the bank might make increased profits through coming into active touch with more people. There are cases where other powerful organisations have taken this view. The failure by the existing banks to recognise the possibilities and profits in granting facilities for the remittance of small sums, transferred the Postal Order business to the State.

There is also the possibility that if Local associations are formed they will, in time, attract to themselves large deposits at present going to the Banks.

(3) By the action of the State. If the others do not speedily get into operation, action by the State appears to be inevitable.

Section VI.—AN INCREASE IN SUBSIDIARY INDUSTRIES.

A point we wish to emphasise is the very intimate connection which exists between agriculture and a large number of the subsidiary industries in the rural districts. Whatever

develops and increases the prosperity of agriculture, develops and increases the prosperity of these industries.

We mention one small rural industry only, by way of example, namely, poultry raising, which in this country is regarded very frequently as a secondary affair to be treated almost casually among the normal recognised work of the farm or holding. In Denmark, where this industry is highly developed, and eggs are exported to the United Kingdom in very large quantities (chickens and fowls also being largely sold abroad), there exists, side by side with this industry on the farm, a whole network of subsidiary organisations—collectors, carriers, carters, packers, shippers, with their depots, workmen, clerks, etc.—giving employment and remuneration to large numbers of men and women, whose time is wholly occupied on these various employments, and not on actual work on the land itself. The same applies as regards pig raising, bacon curing, etc.; so that, in addition to the farmers actually engaged on the soil, there are various agencies giving profitable employment to large numbers, and helping to build up the rural and national prosperity.

The result is similar as regards the rural shopkeepers, the rural tradesmen, and everyone carrying on a business or a profession in these districts. Nor do the manufacturing districts and the large towns fail to benefit. Larger demands are made on the services and the commodities which they supply, so that they, too, share in the added prosperity.

Section VII.—WATER POWER.

Much more might be done than at present to utilise for industrial purposes the water power that is available in so many districts in Scotland, and particularly in the Highlands. The British Aluminium Company utilises water power on a considerable scale at Foyers and Kinlochleven, but little is done elsewhere.

Experts point out continually that other countries have gone far ahead of Great Britain in utilising the water power

of small streams and rivers. Italy and Germany—particularly Bavaria—for example, have made notable strides in this respect, and so have Switzerland, Norway, etc.

It is not denied that in the Highlands very large resources of water power remain unutilised. Mr. Alex. Newlands, the chief engineer of the Highland Railway Company, has mapped out the Highlands, noting down the capacity of various drainage areas for producing horse power. The "Powers" range from 400 h.p. to 20,000 h.p., and the average is about 4,000 h.p. The total thus plotted out represents 179,000 h.p. It is clear from these figures that there are very considerable sources of power unutilised at present. Mr. Newlands, for example, does not claim that his map is complete, and estimates that there is capable of development in Scotland not less than 500,000 h.p. in this way. The reasonable utilisation of these sources of water power in depopulated localities of Scotland (and especially in the Highlands) is a notable factor in the work of rural regeneration.

The reasons why more use has not been made of this water power are :

(1) The concentration of industries generally in the south of the country. With the wonderful supply of coal in these industrial regions, there has not been the same incentive to make the most of water power as there has been in Italy, Norway, Switzerland, and other countries where the utilisation of water power is more highly developed.

(2) There is difficulty in obtaining access to land for the purpose of small industries, on account of the opposition of the proprietors of the land, who are unwilling to depreciate its present value as sporting preserve by allowing small industries and small centres of population to grow up. It is reported that several schemes for utilising water power have been rendered abortive owing to the difficulty of obtaining access to the necessary land.

We are of opinion that there should be, in such cases, a right of appeal to a court against such unreasonable

refusal on the part of a proprietor of land. It should not be in the power of the proprietor to prevent the development of industry in a locality by the arbitrary refusal of facilities. Just as the land court has already been given power to override the landlords' refusal to make land available in certain cases for agriculture, so equal power should be given as regards the refusal of facilities for access to land in the case of other industries.

(3) The absence of a considerable resident population operates against the larger utilisation of water power. The inducement to locate new industries utilising water power in other countries has been strengthened largely by the presence of a very considerable resident population. Over large areas of the Highlands, however, the resident population is not large; but there is no doubt that the utilisation of these sources of water power would tend to an increase of population, and even though labour had in some cases to be imported into the districts concerned (as was done in the case of the British Aluminium Company's works), before very long local supplies would be developed. In any scheme of afforestation on a large scale, the power for saw mills, and for developing electrical energy for traction and other purposes, could be obtained from the fall of water.

CHAPTER XVII.

AFFORESTATION.

Section I.—GENERAL.

Of the undeveloped resources of the land of Scotland it is recognised generally that afforestation is one of the greatest.

The Royal Commission on Coast Erosion and Afforestation for example, estimated that 6,000,000 acres of land in Scotland might be afforested, an area which is nearly one-third of the total area of the country.

The United Kingdom is almost entirely dependent on foreign supplies of timber for structural purposes and the importation of timber to this country from abroad amounts now to an annual value of over £26,000,000. The demand for timber is increasing and is likely to increase.

At the same time there are few countries in Europe better suited for the growth of timber, and none so poorly afforested as the United Kingdom.

The following, for example, is the percentage of land occupied by forests in the under-named European countries, viz: England, 5·3 per cent.; Scotland, 4·6 per cent.; Wales 3·9 per cent.; Ireland, 1·5 per cent.; Denmark, 7·2 per cent.; Holland, 7·9 per cent.; France, 17·0 per cent.; Belgium, 17·3 per cent.; Germany, 25·9 per cent.; Hungary, 27·5 per cent.; Austria, 32·6 per cent.

The possibility of a large increase of home-grown timber on terms financially remunerative is vouched for by men of recognised authority on this subject.

We find that game preservation has had an influence in preventing the more adequate development of woods. This was the finding also of the Royal Commission on Coast Erosion

and Afforestation. Even at the present time the progress of the national work of afforestation on the Inverliever Estate is greatly impeded by the game nuisance. The following extract is from the account of the progress of the work at Inverliever in the August (1913) issue of the *Journal* of the Board of Agriculture :

The game question has, as formerly, been somewhat troublesome. It has been found very difficult to exterminate rabbits owing to cairns within the enclosures, and during heavy snowstorms in January and February hares were able to pass the enclosure netting. Black game were less troublesome on newly-planted ground, owing, no doubt, to the fact that no Scotch pines were planted. The birds have, however, been particularly severe on the older larch.

The Royal Commission on Coast Erosion and Afforestation (Cd. 4450, 1909), declare :

There is abundant evidence to show that the natural conditions for the growth of trees are specially favourable in this country. Our soil, derived as it is from many geological formations, presents unusual opportunities for adapting the various species of tree to the conditions that suit them best. Our climate is more equable than is the case throughout the greater part of Europe, and especially our winters are milder and our summers are cooler, and this permits of the growth of many valuable trees whose cultivation in the centre of Europe is impossible. Your Commissioners have also been reminded that on the Continent large areas of woodland are periodically overrun by destructive insects, whose depredations entail large loss, whereas the most troublesome of these pests are practically unknown in this country. . . .

Your Commissioners have had much evidence placed before them of what is often called the prospective Timber Famine, and they share the view that timber prices are more likely to rise than to fall during the present century. . . .

To sum up the conclusions reached on this branch of the inquiry, your Commissioners find that the comparative neglect and failure of sylviculture in the United Kingdom is not in any sense to be attributed to natural or inherent disadvantages of soil or climate, but that, on the contrary, the conditions which prevail in these islands are favourable to the production of high-class timber if scientific methods of afforestation be pursued. From the financial standpoint, the undoubted instances of profits derived from British woodlands, and the well-known success of German State

forests, establish the conclusion that, even at present prices, silviculture should prove a safe and remunerative investment; but when the highly probable advance in the value of timber is considered it does not seem unduly optimistic to expect that enhanced profits will accrue. Moreover, the very serious shortage of the world's timber supply, to which we must apparently look forward, would appear to place the United Kingdom, which has benefited so richly from the exploitation of natural forests, under some obligation to replenish the stock by methodical afforestation, if posterity is not to be gravely hampered by the shortage of a raw material necessary to its industries.

The question of the cost of transport is an important matter as regards the sale of timber when cut, and careful account has to be taken of this item when estimating the value of timber grown in a rural district in this country. Not infrequently the transport in foreign countries, can be managed at a much cheaper rate.

Section II.—A SCOTTISH QUESTION MAINLY.

The question of afforestation is principally a Scottish question.

Of the 9,000,000 acres estimated by the Royal Commission on Coast Erosion and Afforestation as suitable for afforestation in the United Kingdom, no less than 6,000,000 were in Scotland (Cd. 4,460, 1909, Vol. II., Part I., p. 32), and a large part of it was in the Highlands. While we do not attach undue importance to this estimate, we have had ample evidence that a great work of afforestation can be carried on throughout the country with enormous advantage to the community.

Ash and elm and plane trees grow admirably on the lower lands in Scotland, and conifers on the higher lands. The forests of Deeside and Strathspey show splendid capabilities of producing timber of high quality, and in Perthshire and elsewhere excellent timber is grown. And these possibilities of silviculture are, of course, not confined to the Highlands. There are upland areas elsewhere in Scotland very poorly utilised at present which could be afforested to great advantage.

The Royal Commission, as well as other experts, have made it clear that the 1,000 feet level is by no means the limit of the plantable area. As Sir John Stirling Maxwell, a notable and able expert on the subject of afforestation, has pointed out (*Estates Magazine*, September, 1913) "the height to which planting can be profitably carried cannot be decided by any formula, since shelter and soil are the determining features rather than mere elevation." Trees were not likely to flourish on an exposed windy hill-top, but, provided the trees are given reasonable shelter and tolerably good soil, it is not too much to say that elevation makes little difference to the growth of trees; the common larch could be trusted to grow at high altitudes, provided the soil was suitable, and he thought that the American larch grew quite as well at 1,300 feet as lower down. The spruces, however, were undoubtedly, in his opinion, the best trees for higher elevations, and none of these he himself had tried had failed.

Section III.—IN RELATION TO SMALLHOLDINGS.

In the course of our investigations we have found a good deal of misunderstanding existing in the minds of many small holders, especially in the Highlands where there was a fear that their agricultural land would be planted or hill pasture land which they regard as necessary for extensions of sheep and cattle grazings; and in addition they frequently suspected that proposals for afforestation were intended not as supplementary to their demands for an extension of their small holdings, but in substitution of them. For these reasons there has never been much enthusiasm for afforestation on the part of small holders; most of the propaganda work has come from large landowners; and we wish to make it clear that the proposals for the afforestation of moorland and rough high lands which we recommend, instead of being in restriction of the interests of small holders, would be of essential and necessary assistance to them especially in the case of repopulating many of the depopulated glens.

As formerly explained the natural configuration of the Highland glens lends itself to a system of holdings rising from the floor of the glen, where the arable land is, to the tops of the ridge which form the summer grazing for cattle and sheep. The middle altitudes are well suited for afforestation, and trees properly planted in belts would supply good shelter. As already pointed out this would provide work for the small holder and for his horses and equipment and that during the time of year when he was least busy with his agricultural work. In addition, these small areas of wooded ground would be more valuable for wintering than a larger area of bare ground.

Land which can be used for agriculture should not be afforested; the industry of afforestation being subsidiary to that of agriculture. The better pasture lands would be retained for pasture and belts of the poorer pasture land afforested. The large extension of the smallholders' hill grazings in the Highlands is a greater immediate necessity, as regards this better hill land.

Under such a scheme of afforestation the whole of an area would not be planted. It is essential to the success of the afforestation scheme that every part of the area which can possibly be cultivated or could better be pastured should be so used as to support the home of the small holder who will also do necessary work in the woods.

Section IV.—A NECESSARY BUT SUBSIDIARY INDUSTRY.

We have received a great deal of information regarding afforestation and there are two points we wish to make clear, namely:

(1) We do not recommend afforestation in satisfaction of the strong desire for land and smallholdings; but as an industry subsidiary to the principal one of the cultivation of the land.

(2) We have had ample evidence that when developed in this subsidiary manner afforestation affords assistance to

the development of a more economically successful small holdings policy, and a more prosperous condition of the whole of the rural community.

The Royal Commission, for example, stated that in arriving at their estimate of 9,000,000 acres of plantable land not now under timber (6,000,000 of which is located in Scotland) they took into account these two considerations, besides elevation and suitability of the soil. (*The italics are our own.*)

The first is, that the value of the land is not in excess of a sum on which a fair return may be anticipated on the expenditure. This will naturally vary according to the productive capacity of the soil and the crop which it will carry. The second consideration is that *the land could not be more profitably utilised in any other way.*

Sir John Stirling Maxwell has illustrated the point as regards employment by comparing a small German forest in the Spessart with a similar area in Scotland :

The forest extends to 10,000 acres, and attached to it are about 3,000 acres of agricultural land. This area of 13,000 acres would, he points out, in the Highlands of Scotland compose one small deer forest or a couple of fairly large sheep farms. . . . As two sheep farms it would support two tenants, and at most thirteen shepherds or fifteen families in all. Divided among a number of smaller tenants it might . . . support at most some sixty families. In Germany the population is as follows : the permanent staff of the forest consists of a head forester and clerk, and six forest guards, with ten unskilled workmen. Twenty-five other men find employment all the year round as contractors. There is thus permanent employment for forty-three men. In addition to these, eighty wood-cutters are employed for about six months, and seventy women and children are employed for about two months on nursery planting and other light work. There are also 260 men employed in forest industries. The forest with its industries is thus giving constant employment to 303 men, besides the eighty men employed for six months and the seventy women and children occasionally employed. The total population of the area affected by the forest is 2,500. It is calculated that 1,520 of these are directly dependent on the forest. The remaining inhabitants are small tradesmen, saddlers, smiths, etc., or people employed in small agricultural industries, and many of them are indirectly dependent upon the forest and the work it brings to the district.

Sir W. Schlich has also pointed out (*Times*, 13th November, 1913) that, in his opinion: "If ever crofters are to be established in localities like those offered by the Duke of Sutherland, it can be done by coupling the attempt with the afforestation of the plantable land in the vicinity of the crofter's farm lands." He points out that in the Black Forest efficient woodcutters, each of whom has a small agricultural holding, earn from 3s. to 6s. a day during the woodcutting season, and he says he sees no reason why similar success should not be gained in this country. Most of the work in the forests can be performed in winter, when the agriculturist is least busy with his farm work.

The Royal Commission also were much impressed with the possibilities of subsidiary employment presented by forests in the case of smallholders resident in their neighbourhood. As they point out:

At certain seasons, notably spring and summer, the occupier of a smallholding may be fully engaged with his own business, but at other times, such as late autumn and winter, his holding may require but little attention beyond such as can be given to it by his wife and family, and then he is glad to find supplementary work in the neighbourhood. But as the time when he can be spared from his holding coincides with the time when farm work is least pressing, it is evident that his services are not likely to be demanded by farmers. The case, however, is otherwise with forestry. It is precisely when the smallholder has leisure that sylviculture is most insistent on a supply of labour, and it is therefore not surprising that Your Commissioners have had much evidence placed before them of the natural relationship that exists between smallholdings and forestry. And similarly with regard to the relationship of forestry and agriculture. Men engaged in sylviculture can often readily be spared from the woods in June, July and August, when hay-making, the hoeing of roots and harvest operations are in full swing, and, with a little organisation, farmers could obtain extra hands at precisely the time of year when, if at all, they require additional help.

One further illustration may be mentioned. In France and Germany, where afforestation has taken a place much in advance of that in this country, only the head foresters and forest guards and a few labourers are, as a rule, in the permanent service of the forest. The rest are their own masters,

and they work in the forest when they can—that is, when they are not busy cultivating their own holdings. The work of the forest, of which no parts except planting and nursery work are at any season urgent, is timed to suit them. The urgent work, being light, is often done by women and children. Sometimes they work by the day, sometimes by contract. A father and his sons, or a man with his brothers, or an enterprising man with a group of friends, will undertake a definite piece of forest work, or the carting of forest produce. The life is a very healthy one, producing strong and healthy citizens.

The following may also be quoted. It is from the findings of the Royal Commission: (*The italics are our own.*)

Mr. Forbes, the forest officer of the Department of Agriculture and Technical Instruction in Ireland, who has also had wide experience as a forester in England and Scotland, thus expresses himself "Country labour is very uncertain. A man is wanted in the summer months, and not always through the winter. He is supposed to live without wages during the winter. That is where afforestation comes in most valuable, in affording that type of man winter work that he does not get now."

Most of the witnesses examined were emphatic in maintaining that forestry promised to be a powerful agency in stemming the tide of rural depopulation, and in attracting back to the country men and families who have migrated to the towns.

Your Commissioners concur in the view that it is difficult to over-estimate the probable benefits which should result from a scheme of afforestation in retaining in the country districts the percentage of the rural population which now commonly migrates to the urban areas, there to increase the congestion of the labour market. They desire to point out, further, that the possibility of augmenting or diminishing forestry operations in any one year, and consequently of regulating the demand for labour for such operations, is an advantage in this connection which no other productive agency with which they are acquainted seems to enjoy.

Section V.—PROCEDURE BY RENTING LAND.

We are of opinion that it is no more necessary for the State to purchase large areas for the furtherance of afforestation, than for the furtherance of agricultural holdings. What is

needed is that the land already described as more suitable for afforestation than for any other purpose—land which admittedly could be put to a better productive and national use by growing trees—should be rented, with security of tenure etc., in accordance with the principles of the Smallholders Act 1911. We see no reason why proprietors whose estates have been neglected in the past should be enabled to take an advantage of a national necessity in order to force the purchase of these lands upon the State. Provision should be made for the necessary land to be taken at a fair rent fixed by the Land Court; the State being fully secured in the ownership of the woods planted by it.

We consider that belts of the low grade pasture land suited for afforestation should be selected by the Board of Agriculture, in neighbourhoods of small holdings and not required for small holdings. Fixity of tenure in respect of these areas should be secured and the rent determined by the Land Court. Thereupon the areas should be planted by the Board of Agriculture; the necessary labour being hired so far as possible from the neighbouring small holdings. The outlay in respect of planting, rent, etc., would have to be met for some years before there was any return but this would be a small expenditure in comparison, for example, with the large capital expenditure which is sunk in the purchase of these lands under any purchase scheme. We consider that the first necessary use of public money made available for afforestation from the funds of the Board of Agriculture or the Development Commissioners is to get as many areas as possible speedily planted on the conditions outlined above. In this way an infinitely greater public advantage can be gained by the same expenditure than if the public money is locked away in the heavy capital expenditure represented by the purchase of a few large estates. To concentrate efforts on endeavouring to confine the afforestation work to a few large estates purchased otherwise than for demonstration purposes is to defeat a declared object of the policy: namely, that the forestry work should be carried on in many localities where there are existing small holders

(or other potential woodmen) during the time they were not engaged on their farms and holdings.

Under Section IV. of the Small Landholders (Scotland) Act, 1911, the Board of Agriculture are charged with the duty of promoting the interests of forestry, of collecting statistics, making enquiries, experiments and research, and collecting information relating thereto, and of promoting, aiding and developing instruction therein. The Development Commissioners have recommended the expenditure of £11,000 for teaching, buildings, and a forest garden for the benefit of students at Edinburgh University, and the East of Scotland Agriculture College. They have also agreed to consider the provision of a forest demonstration area for Scotland.

In their Second Annual Report the Commissioners indicated that: "One of the main requirements of forestry in Scotland is a suitable demonstration area."

The Development Commissioners in their third Report, 1913, state that their Forestry Committee have intimated that "subject to the adjustment of the financial questions concerned with the Agriculture (Scotland) Fund, they will take a favourable view of an application for a grant towards the cost and equipment of an estate so far as relates to the educational and advisory functions of the proposed demonstration area, and for a loan repayable on a terminable annuity basis, towards the cost of the estate so far as relates to its economic purposes."

The Royal Scottish Arboricultural Society have expressed disappointment that no large schemes of afforestation had yet been put forward by the Board, and that Scotland, with a larger area suitable for afforestation than either England and Wales, or Ireland, has only received in cash from the Development Fund little more than one-tenth of the sum received by England and Wales, and less than one-twentieth of the sum received by Ireland; and urge the Board to take active measures to encourage afforestation on a large scale in suitable centres, and to ascertain the terms on which advances from the Development Fund can be obtained for the purpose.

In addition we recommend :

- (1) That a special forestry staff should be trained.
- (2) That active steps be taken for the afforestation of a large number of areas throughout the country on the lines we have indicated.

To avoid the creation of too extravagant expectations, however, we again point out that the resident population in the Highland districts mainly concerned themselves expect to attain the most satisfactory results of local development from the extension of the industry which they know best—their farming; and the securing for it of land at present used solely for sport or indifferently utilised otherwise. So long as this prior necessity (in their eyes) is not met, their interest in afforestation is more likely to be nearer indifference than enthusiasm. Nor do we suggest that trees of the highest commercial utility providing broad boards of the classes of wood most valuable commercially can be grown readily on the hills of Scotland. But, on the other hand, the possibilities of growing timber successfully on a commercial basis are at least as favourable in Scotland as in Norway and other northern countries which grow timber successfully even though they cannot grow the quality of timber produced in regions nearer the tropics.

CHAPTER XVIII.

THE ISLANDS

Section I.—GENERAL.

In the work of rural development a great deal might be done in assisting and in utilising more profitably the rural population in the crowded areas of the Hebrides. The conditions in Lewis, Barra, etc., under which many of the population live are perhaps the least favourable found anywhere within the rural districts of Great Britain. A large resident population is handicapped for want of access to land. The crofter problem is here complicated by the large number of squatters, and it is a question of great urgency that steps should be taken to improve the conditions, especially of these squatters. They have no real title to the houses and land which they occupy; they are frequently a great burden to the already congested crofter population; the locality often offers no adequate demand for their labour under present conditions, and no one can regard their condition as in any way a favourable one.

On the other hand, in the South and East of Scotland, as already indicated, there is a shortage of agricultural labour, and it ought not to be beyond the powers of reasonable administrative action to bring some of these Island supplies of labour into use in the Lowland counties. It should be possible, also, to secure for these people access to more land within their Islands. This question is emphasised because of its great urgency.

Section II.—TYPICAL DETAIL.

In order to give a clearer view of the actual position in the Hebrides the following particulars given officially by an

officer of the Local Government Board (Scotland) to the Royal Commission on the Poor Laws and Relief of Distress may be quoted. They relate to Barra, one of the parishes in the Outer Hebrides (Cd. 4978, 1910, p. 69).

1. The parish of Barra is the most southerly portion of the string of islands forming the Outer Hebrides. It consists of a number of islands, by far the largest of which is the island of Barra, with 2,362 inhabitants. The other inhabited islands are Vatersay, with 13 inhabitants, Pabby with 11, Bernera with 17, Mingalay with 135, Sunderay with 3, and Fuday with 4. The parish extends from north to south for about 20 miles; it has a total area of 22,212 acres, and a total population of 2,545.

2. The chief industries are agriculture and fishing.

3. AGRICULTURE.—There are two large grazing farms, but much the greater part of the land is occupied by crofters. There are over 350 crofters. The crofts are small, the rents of most of them being from 30s. to £2. The chief crop is potatoes, which are grown in little patches, not in drills, but in "lazy beds." The larger crofts grow oats of an inferior class. The crofters have their grazings in common. They have usually from one to three cows, and a corresponding number of calves and stirks, a pony, and perhaps a dozen sheep. They also keep a few fowls.

4. The profit to be made from a croft is not much. None of the crop is sold. The potatoes are used as food for the family, and the oats for the cattle and ponies. The only cash income is derived from the sale of stirks, sheep, and ponies. A stirk sells at about £4 to £5, a two-year-old wether brought last year 13s., and a one-year-old pony about £5.

5. The crofter's income depends on the amount of his stock, but will probably not exceed £12.

6. As the settler has to purchase all the provisions for the family, except potatoes and milk, it is obvious that he cannot maintain himself by his croft alone. Most of them have other occupations. A few are masons, joiners, and blacksmiths. Some make a profit out of kelp-burning. Others gather and export cockles. A few are labourers, but there is little labour to be had in the island. A number used to go in the winter to Glasgow and act as labourers there, but not many now follow this practice. Some of the young women go to service on the mainland during the winter months.

7. FISHING.—The most profitable industry is fishing. Castlebay, in Barra, is an important centre of the herring fishing. This is prosecuted both by the local fishermen and by outsiders. The herring fishing season begins about the middle of April, and is at its height from May 10th to June 10th. At that time from 150 to

200 steam drifters and from 300 to 400 sailing boats will be engaged at the Barra fishing. There are between thirty and forty curing stations at Castlebay, and the curers employ large numbers of the Barra women as gutters and packers. These women are well paid. They receive at the time they are engaged an "arles" of 30s., and during the period of their employment they get 3d. each per barrel of herrings cured.

8. About June 10th the outside boats (i.e. those from the East Coast of Scotland, England, Ireland, and the Continent) leave Barra, and from that time on till about Christmas the herring fishing is prosecuted by the local fishermen. The number of fishing boats belonging to the island is thirty-seven. Each has a crew of five or six men. The average earnings of the local boats last year was about £230 per boat, or possibly a little more. The profitableness of the local fishing varies from year to year, but for the past few years it has been good. The white fishing is not prosecuted to any great extent. A little is done at lobster fishing.

9. Apart from the local fishing, a large number of the inhabitants are engaged for the fishing in other places—Shetland, the East Coast of Scotland, and Yarmouth and Lowestoft. The young men go as hired hands on the East Coast boats, while the young women are engaged as gutters, and go from place to place following the fishing.

10. Last year about forty Barra men went as hired hands on East Coast boats. The method of payment is by share in the profits, after paying the food bill, harbour dues, and coals. In sailing boats the hired hand receives $\frac{1}{4}$ th, in steam drifters $\frac{1}{4}$ th, of the profits. One young man stated that at the Shetland fishing last year the boat he was in cleared over £1,000, of which he would receive $\frac{1}{4}$ th, or over £70 for three months' work.

11. Some 200 or 300 Barra women go annually to the East Coast and English fishing. For the latter the women receive no "arles," but the curers pay their fares to and from the fishing quarters. The curers also provide lodgings for the women. The wages are 10s. a week and 8d. a barrel, or 12s. a week and 6d. a barrel. There are three women to each barrel, two gutters and one packer, and the amount paid per barrel is divided equally among the three. The women sometimes earn 30s. a week or more. Many of them earn £30 to £40 per season, lasting from April to December.

12. HOUSING.—The houses in Barra are as a rule very bad. The practice of housing cattle along with the human beings does not now prevail in Barra, but is occasionally to be met with. A few houses are built of turf, but the usual type is of stone. The older houses have double walls of dry stone about three feet apart.

The space between is filled with turf or earth. The walls are about five feet in height, sometimes less. The roof timbers rest on the inner wall. The roofs are thatched with turf and straw. Any rain falling on the roof runs into the earth between the double walls. In the old houses the windows are in the roof, and are very small—a foot or less square. They do not open. There is sometimes a built chimney, but more often a mere hole in the roof. There is no flooring—nothing but earth or bare rock. It is the practice in Barra to sprinkle sand on the floor, which gives a clean and fresh appearance. The houses are sometimes of one apartment, but more frequently there is a partition, and in the larger houses there are three apartments.

13. In Barra there is at present great activity in house-building, and a large number of the old houses are being replaced by improved structures.

SERIOUS FINANCIAL POSITION OF PARISH.

14. FINANCES.—When the present acting Parish Council was appointed in October, 1906, the finances of the parish were in a serious position. The parish had been getting annually more deeply into debt, and the annual expenditure had been increasing year after year. In the year 1905-6 the parish rates were:

	Owners.	Occupiers.	Total.
	s. d.	s. d.	s. d.
Poor rate - - -	6 2	7 1	13 3
Registration - -	0 1	0 1	0 2
Education - - -	2 0	2 6	4 6
	8 3	9 8	17 11

15. In addition, there were the county rates of 2s. 9d. per £. bringing the total rates payable by the ratepayers of the parish up to 20s. 8d. per £.

16. The great majority of the ratepayers refused to pay these very high rates, and as the Parish Council had exhausted their power of borrowing on the security of the rates, no income was forthcoming. To enable the alimments of the resident poor to be paid, the Local Government Board approached the Treasury, and that Department paid certain grants in advance, and also gave a guarantee to the bank, who agreed to advance money on that guarantee, to the extent of £200.

17. At May 15th, 1906, the Parish Council found themselves in debt to the bank to the extent of £771, and in addition they had liabilities of over £500 that they were unable to meet. They had no receipts coming in, and their credit with the bank was exhausted.

18. When the acting Parish Council came to frame the budget for 1906-7, they found that the total amount required for the year was £2,140. To meet this expenditure a rate of 17s. 6d. per £ would have been necessary. It was deemed advisable, however, to leave a portion of the debt to be met out of future assessments, and a total rate of 13s. 4d. was imposed.

HIGH RATES INEVITABLE.

19. This is an extremely high rate, but in a parish like Barra a high rate cannot be avoided. The gross rental of the parish is £2,534. After allowing for the deductions prescribed by Section 37 of the Poor Law Act and by the Agricultural Rating Act, the assessable rental is for owners £1,728 and for occupiers £1,035. *A rate of one penny in the £ ($\frac{1}{4}$ d. on owners and $\frac{1}{4}$ d. on occupiers) produces only £5 15s.*

20. The salaries of officials (inspector of poor, £30; clerk and collector of rates, £45; medical officer and vaccinator, £115; registrar, £10; and auditor, £5) amount to £205. To meet this item alone, an assessment of 3s. 2 $\frac{1}{4}$ d. would be required, but about one-third of the medical officer's salary is recovered from the Medical Relief Grant.

21. The lunatics chargeable to the parish cost over £200 a year. This also would require a rate of 3s. 2d., but about £50 is recovered from the Pauper Lunacy Grant.

22. The alimnt of the outdoor poor costs over £200 per annum. This again requires a rate of 3s. 2d. per £1.

23. As might be expected, the ratepayers complain of the heavy rates and are averse to paying them. There are no facilities for enforcing payment. Last year the Parish Council obtained some hundreds of justice of peace warrants. There is no J.P. officer in Barra, and one had to be brought from South Uist to serve the warrants. After serving a few and collecting about £18, he declined to do more. No sheriff court is held in the parish, the nearest being at Lochmaddy, some 50 miles off. The Parish Council have obtained sheriff court decrees against some of the defaulting ratepayers, but they have been unable to get an officer to serve the charges. The only sheriff officer in the Long Island lives in North Uist, about 50 miles away. Though repeatedly applied to, he declines to come to Barra to serve the charges, and the Parish Council have been unable to enforce the warrants. They have now instructed that an officer be brought from Inverness

for the purpose. This will cost at least £10, a most wasteful piece of expenditure. It is practically a 2d. rate.

24. The ratepayers in the smaller islands of Mingalay, Pabbay, and Bernera have not paid any rates at all for a long series of years. These islands are so difficult of access that it would be a very costly matter to collect the rates, and no attempt has been made to enforce payment. The ratepayers in the island of Barra complain loudly of this injustice.

It is difficult to suggest any means of reducing the pressure of the rates, and after every economy is exercised the rates in Barra will still be high, and something ought to be done to relieve them. The best course would be to make the poor-rate a national rate, and so assimilate it all over Scotland. Or, lunatics might be made a national charge, and a change might be made in the method of distributing the local taxation grants in relief of rates, so that, instead of being given in proportion to valuation and population, they might be given in proportion to the burden of local rates.

Section III.—THE LINES OF IMPROVEMENT.

We desire to emphasise the exceptional nature of the problem in these Islands. In the past the legislature has treated these Islands in an exceptional manner and it would appear that without exceptional treatment, specially directed to meet their case, the condition of things cannot adequately be improved. The first obvious step would seem to be on the lines of using all the available land in their own district for the landless and those with very small holdings. It is astonishing how these men in the Islands can make productive use of the least favoured land, often unreclaimed moorland, land which would be regarded as valueless by the average smallholder in England. The Highland Fishermen's Union, for example, claim that each fisherman-crofter should have at least four acres of land which they claim are available. Beyond alleviation or palliation in this manner, it seems clear that steps should be taken to provide these men with land on parts of the mainland, where there is no congestion of population. We recognise their strong sentimental attachment to their native district, but so great is their land-hunger that some of them have already expressed their willingness to settle on the Mainland if land was secured for them. It would appear

that this could only be achieved by special administrative action, and by special grant. It may be recalled that these Islands send more men in proportion to the fighting services than any part of the country, Lewis, alone, for example, is said to have as many as 4,000 men in those services at present. Even in the national interests, therefore, there is some ground for special consideration.

We have had much evidence on this question including the various efforts made by the Congested Districts Board to solve the difficulties. In view of the special circumstances we are of opinion that, as speedily as possible, the large farms in these Island districts should be sub-divided.

We consider that the Board of Agriculture should be given special powers as regards these districts to proceed with the establishment and equipment of new holdings.

CHAPTER XIX.

AGRICULTURAL EDUCATION, ETC.

Section I.—GENERAL.

Though the benefits of education have been recognised and taken advantage of perhaps more in this country than in any other, education in agricultural matters lags seriously behind that of various other countries.

It is now recognised very clearly throughout the country that in the practical work of regenerating agriculture a great deal may be gained by the adequate utilisation of the facilities of modern agricultural education. Lord Reay's Committee on Agricultural Education (Cd. 4206, 1908) declare themselves convinced that agricultural education is of such vital importance to the United Kingdom that no effort should be spared in making the provision for it as full and complete as possible. Having regard to the serious attention paid to the subject by Denmark, and other foreign countries, this is probably no over-statement.

We are of opinion that the two central factors in the whole question of agricultural education are :

(a) To interest the young children, born and reared in country districts, in their rural environment, and to give a rural bias to their elementary education as against some part at least of what is generally recognised as strongly pervading our educational system, namely, a clerical or urban bias.

(b) To secure that the latest developments and improvements in every branch of agriculture shall be brought not only within reach but into actual application by those

actively concerned so that the productivity of the soil may be increased, the land put to a better use, and the profits of farming made larger.

As regards the elementary education in rural districts, this tronger rural bias may be introduced by associating further with the teaching of such ordinary subjects as reading, arithmetic, composition, etc., reference to the school garden, its implements, its products, its situation, etc., and going further on the lines, for example, of the rural schools of Belgium where schoolboys in addition to instruction in gardening and other rural subjects are taught the use of such articles as basic slag, nitrate of soda, kainit, guano, and the soil and plants for which these fertilisers are most suitable. Instruction can be given also in nature study with special reference to the crops and animals of the farm.

Rural schools are also very desirable where the whole field of agricultural science may be systematically explored; where the farmer may send his son with a view to having him trained systematically for work on the land.

Agricultural colleges have a future of increasing activity and usefulness before them in communicating the results of experiments, etc., to farmers, providing for practical instruction, spreading information and generally encouraging the most active application of the best methods, the latest improvements and the most intelligent interest in the work.

Notwithstanding the natural opposition of many farmers to agricultural education in the sense that a distrust of assertive theorists is very natural to practical men, its good effects are to be found in many districts. To get the best result from agricultural education, in addition to what is already being done, a further extension of demonstration and advisory work in the country districts would seem to be essential. It is remarked by many people that average farmers learn much more rapidly from the practical work done in their midst than in any other way. By custom and natural caution, farmers are often extremely suspicious of innovators and of new methods, but though average agriculturists may scoff at first at any farmer among them who undertakes new methods,

they are, as a rule, quite ready to follow his example when he has shown that his methods are an improvement, and it may be possible to arrange more widely than is done at present, with individual farmers of progressive tendencies, for experiments of various kinds to be carried out on their farms under advice given them by the experts.

This is undoubtedly a very important point in the practical higher education of working agriculturists.

Similarly, in regard to research work, we are convinced that there are a certain number of farmers keenly interested in making experiments and in trying new methods.

In addition to the improvements in stock and in the cultivation of land, much might be done in the subjects of dairying, poultry keeping, horticulture, forestry, bee keeping, improvement of seeds, the suitability of certain seeds and crops to particular soils and localities, etc.

The special importance of further development of technical education and research work, having regard to the great need of obtaining a higher production, need not be elaborated here. The necessity of taking advantage of every possible improvement in the cultivation of land, the management of stocks, etc., has been sufficiently indicated in earlier chapters.

Winter schools in suitable centres might be developed further.

The delivery of lectures by experts also in many localities is profitable. Mr. James Murray's Committee on the Poultry Industry in Scotland declare (p. 14, Cd. 4616, 1909)

"The value of lectures in rural districts given by qualified experts who are acquainted with the best methods and with local opportunities and conditions, as a means of awakening interest and stimulating endeavours for improvements, has been abundantly proved in England and Ireland, and to a more limited extent in Scotland," and they recommend an extension of the system of lectures.

Section II.—THE PRESENT LINES.

We fully recognise that many agricultural societies and colleges in Scotland are already doing excellent work. Much valuable work in the field of investigation and experiment,

no less than in that of instruction, is performed by them, and much more work has still to be done.

By the Small Landholders (Scotland) Act, 1911, it is declared to be the duty of the Board of Agriculture for Scotland to promote, aid, and develop instruction in agriculture, forestry and other rural industries, and by a minute of the Scotch Education Department dated 28th March, 1912, the administration of grants from public funds devoted to the maintenance of Agricultural and Veterinary Colleges in Scotland was transferred to the Board of Agriculture. At the same time, the Treasury recognised the Board of Agriculture as the central authority in Scotland for the purposes of grants from the Development Fund for agricultural development, education and research. The Scotch Education Department deal with agricultural education to a limited extent in the Primary Schools.

In the Continuation Classes (i.e. evening classes) in normal circumstances the intention is that instruction in agriculture and allied subjects will be provided by the Authorities of the recognised Agricultural College for the district as part of its extension work. Where, however, for special reasons classes in these subjects are conducted by a School Board, the instruction under this head must be in general conformity with the scheme of the College and subject to such supervision by officers of the College, in conjunction with His Majesty's Inspector, as the Department and the Authorities of the College may arrange.

The experience so far is that little advantage has been taken of this provision and only in very few schools is agriculture being taught as a subject in the Continuation Classes.

The following extracts, indicating some of the operations of the Board of Agriculture, may be quoted from their Report (Cd. 6757, 1913):

Under the Scotch Education Department the country was mapped out into three large areas attached to the three colleges situated respectively at Glasgow, Edinburgh, and Aberdeen, and within each area the particular college was the organ for providing agricultural education. Under the scheme of the Department, agricultural instruction was taken outside the walls of the college to the rural community by means of county lecturers or organisers stationed in each county or group of counties, assisted by expert lecturers and demonstrators in such subject as butter and cheese-making, poultry-keeping, bee-keeping, rural household economy, and other industries connected with farm life. To-day every county in Scotland is reached by this machinery; and the extra-mural teaching thus provided goes some way to meet the needs of existing farmers, and of the sons and daughters of farmers who cannot attend the colleges. In the crofting

districts further efforts have been made to bring home to smallholders the possibilities of more systematic farming. Thus the North of Scotland College has arranged with crofters for demonstration smallholdings in Shetland and the Outer Hebrides; and at Ainess in Easter Ross, a demonstration croft, entirely managed by the college has shown improved methods of cultivation, of poultry-keeping and of pig-rearing suitable to a smallholding. Interest has been excited and an atmosphere favourable to a general advance in husbandry has been created in the less wealthy districts.

The progress made in the last few years has itself, however, brought to light the defects in the present system, and at the same time created a demand for greater facilities. There are, then, three or four points at which further improvement is called for:

(1) In all three colleges the number of students has outgrown the existing accommodation at headquarters.

(2) In meeting this want, the opportunity should be taken for providing more adequately for agricultural research and investigation, for the advancement of which the creation of the Development Fund has given new possibilities. With a view to serving these purposes, the Scotch Education Department had obtained from the Development Commissioners the promise of £60,000, for the provision of buildings and farms at the three colleges, and when the Board of Agriculture came into being, negotiations were in progress for the allocation of grants from the Development Fund for purposes of research.

Experience has shown that agricultural education does not fully appeal to the farmer unless, or until, it is based on local research, and the Board have kept this in view in taking up the applications to the Development Commissioners.

(3) The necessity for a system of education intermediate between the college and the county instructors has become apparent. The Board, looking at the experience of other countries, where the systematic training of the rural community has been a matter of greater concern with the State than in Great Britain, have come to the conclusion that separate institutions need to be provided for the training of the sons and daughters of farmers, and especially of small farmers, who form the most numerous class of landholder in the country. Financial and other reasons render it impossible for a large proportion of the sons and daughters of Scottish farmers to take the full courses at the Agricultural Colleges. They can be provided for only by means of schools or other institutions chiefly organised to give short, inexpensive, and more practical courses of instruction on similar lines to those which have been found so successful in several continental countries.

In such institutions special prominence must be given to certain branches of small farming, including dairying, poultry-keeping, and pig-rearing.

The schemes of the Board for the development of agriculture, and the improvement of live stock, which will effect most directly existing smallholders and the new holders to be put on the land by the Board's activities, will only be fruitful so far as those who take part in them are sufficiently educated to promote their scope and purpose. The Board believe that in Scotland, as in Denmark, the ultimate success of the small landholder, and of the system of landholding established under the Act will depend upon the thorough and efficient training of the occupier, by which he will be enabled to produce from his holding the utmost that the land is capable of yielding.

The Board are glad to think that through the system of County Instructors it will be possible to ensure the intelligent co-operation of smallholders in schemes of development. Thus, by means of small grants the Board will assist selected poultry-keepers to supply improved breeds, and the College Instructors will supervise this work, and give instruction in the housing, feeding, and marketing of the improved poultry which are raised.

The extension work of the colleges is carried on by a staff of organisers, lecturers, and demonstrators, many of whom are resident in the districts in which their work lies.

The work comprises :

- (a) Systematic classes, held at rural centres, in agriculture, horticulture, poultry-keeping, dairying, bee-keeping.
- (b) Courses of lectures or single lectures in the above subjects, and also in forestry, veterinary hygiene, and school gardening.
- (c) Field experiments and demonstrations.
- (d) Visiting and advising farmers and others.

All these duties bring the Instructors into close touch with the rural population, and those who are unable, from a variety of causes, to attend even short courses at the central institutions, are thus given opportunities of deriving benefit from the comprehensive schemes of instruction which the colleges are providing.

In addition to the general scheme of work indicated above, attention may be drawn to several special developments in which the services of the Instructors are largely taken advantage of.

School Gardening.—In the laying out and management of school gardens, both School Boards and teachers avail themselves of the advice and assistance of the College Instructors, who also report to the Scotch Education Department and to the Board on the progress made. In the crofting districts the Board have

an arrangement whereby, in order to encourage the development of gardening among the crofters, they supply a quantity of seeds and plants to teachers, who are prepared to give instruction in the subject to the older pupils of the schools.

Demonstration Crofts. — Under the North of Scotland College three demonstration crofts have been established at Sollas in North Uist, Kilbride in South Uist, and Bernisdal in Skye, and it is intended to increase the number.

This experiment is of considerable educational value. The college supplies the seeds, manures, and advice, and the tenants agree to work the crofts as directed by the Instructor, for a period of five years. Meetings are held on the crofts, when the various operations are described and explained. Such an object-lesson placed in the midst of a community of crofters should be productive of most beneficial results.

The West of Scotland Agricultural College, for example, has in this respect a jurisdiction including Dumfries, Lanark, Stirling, West Perthshire and Argyll and the district west thereof; and school gardens are under supervision of the officials of the college as follows :

Argyll	28
Ayr	12
Bute	2
Dumfries	15
Dumbarton	14
Kirkcudbright	2
Lanark	23
Perthshire (West)	13
Renfrew	13
Stirling	13
Wigtown	5
	140

Section III.—FURTHER DEVELOPMENT.

We have received information in the course of inquiries of the advantages gained from this educational work.

In addition to its development and continuance, we have had much evidence of the great advantages to be gained by

holders, large and small, through improvement of stock of every kind, seeds, scientific manures, etc. Through the development not only of records as to the milk yield of cows but as to the results achieved by every variety of stock. In breeding pigs for example, by careful attention to records there are much more satisfactory results to be achieved than are frequently recognised. Results similar to those gained in the milk-recording districts are to be won in regard to every branch of stock and in every locality.

In conjunction with the assistance of grants from the Development Commission, further work of development is being pushed forward and the following statement by the Secretary for Scotland may be quoted. It was made to the Scottish Chamber of Agriculture on November 7th, 1913. (*Scotsman*, November 8th, 1913.)

The Board of Agriculture had up to the present received from the Development Commissioners £3,500 for light horse breeding, and had agreed to provide £4,000 per annum for heavy horse breeding; for cattle improvement, £1,700; improvement in the breeding of swine, £500; improvement in the breeding of Shetland cattle and sheep, £585; and also a sum for the improvement of milk recording. The northern counties were receiving assistance in the breeding of Highland and Shetland ponies, and forty-two districts, he was told, were benefiting by the scheme. Heavy horse breeding had been encouraged by grants to forty societies all over Scotland. In addition to 240 bulls owned and lent by the Board for the use of congested areas, 128 superior bulls have been subsidised by grants from the Board in other districts throughout Scotland. The Board had also made available to crofters for the improvement of sheep stock, from 600 to 700 superior rams, and a stud farm had been acquired near Inverness, on which the Board were maintaining pure-bred stock-horses, cattle, and sheep, and carrying out experiments, chiefly upon sheep. Most of these schemes had been assisted by grants from the Development Commission. Then they had 150 poultry-breeding stations organised throughout Scotland in order to provide a supply of pure-bred fowls. He need not, he said, dwell upon the importance of milk recording. Excellent work had been done in the south-west of Scotland by the Milk Records Committee, but its energies had been rather confined to certain districts, and one breed of cattle. The Board had been able to arrange for the development of the Milk Records Committee into a national and representative institution, and

with the assistance of the Development Commission they hoped that in this way a great stimulus would be given to milk recording throughout the country. The Commissioners had promised them a sum of £2,000 a year for that purpose.

We find this policy achieves good results not only in the benefits directly conferred but in the added interest in the management of stock and crops which it encourages. It breaks down the tedium of routine work on the farm and substitutes an increased interest in everyday labour. It has a marked influence in diminishing the element of drudgery and extending that of observation and experiment. The more scope found by agriculturists for the exercise and development of all their faculties within the limits of their farms, the more engrossing their occupation is likely to become, and the greater the results they will achieve. ^

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CHAPTER XX.

THE OUTSTANDING FEATURES.

Section I.—CONTRAST BETWEEN RURAL AND URBAN SCOTLAND.

WHEREAS in rural Scotland, the outstanding feature is the great area of country with hardly any population at all, in urban Scotland the outstanding feature is the very opposite—the crowding of a large population on a small area. It is very doubtful if any other country presents so remarkable a contrast between rural desolation and urban overcrowding.

Thus, though the 205 burghs in Scotland contain 66 per cent. of the total population of the country, they occupy only 154,338 acres out of the total 19,070,466 acres of the country. When the total population of the country and the total acreage are considered, it is found that there are 4 acres to each person, but when the areas and populations of the burghs are considered, it is found that there is, on the average, $\frac{1}{10}$ th of an acre to each person, the corresponding figure for the districts outside the burghs being $11\frac{1}{2}$ acres to each person.

These facts are suggestive of some of the principal features found in connection with the Scottish towns—the crowding of a very large population within urban areas of small acreage, the dense tenement housing system which accommodates this urban population, and the methods of land tenure associated with it.

Within the towns there are, of course, localities where the density of population is greatly in excess of the average for the town as a whole. Glasgow, for example, as extended by the Glasgow Boundaries Act of 1912, has an average density of 56 persons per acre; but in the five congested areas which the Corporation are at the present time endeavouring to improve, the number of persons per acre is 460. In

other towns even more densely populated areas may be found.

In close alliance with this density of population there is great overcrowding of individual tenement houses, and high sickness and death rates.

Section II.—DISTRIBUTION OF POPULATION.

A very large portion of the total population of Scotland is massed in the midland area stretching from Ayrshire across to Fife. As many as 58·9 per cent. of the total population is distributed as follows: 30·4 per cent. in Lanarkshire, 10·7 per cent. in the County of Edinburgh, 6·6 per cent. in Renfrewshire, 5·6 per cent. in Ayrshire, and 5·6 per cent. in Fifeshire. If Stirlingshire (3·4 per cent.), and Haddington (0·9 per cent.) are included, a total of 63·2 per cent. is accounted for.

How large a part is filled in urban Scotland by Glasgow and the neighbouring towns is indicated by the fact that nearly 40 per cent. of the entire population of Scotland is located in the three adjoining counties of Lanarkshire, Renfrewshire, and Dumbartonshire, and if to the population of these three counties is added that of the county of Edinburgh it is seen that these four counties contain 50 per cent. of the population of Scotland. In contrast to this, it may be mentioned that less than 1 per cent. of the population reside in each of the following sixteen counties:

Berwick.	Bute.	Caithness.
Clackmannan.	Elgin.	Haddington.
Kincardine.	Kinross.	Kirkcudbright.
Nairn.	Orkney.	Peebles. ♥
Selkirk.	Shetland.	Sutherland.
Wigtown.		

Some counties, with a small percentage of population, have an extensive area. Thus, Argyllshire occupies 10·4 per cent.

of the area of Scotland; though it has only 1.5 per cent. of the population, with 3.6 persons per 100 acres. Another county almost entirely rural, Inverness-shire, covers the great extent of 14.1 per cent. of the total area of Scotland; but contains only 1.8 per cent. of the total population, with only 3.2 persons per 100 acres.

On the other hand, the county of Lanark occupies only 3.0 per cent. of the total area of Scotland, though it contains 30.4 per cent. of the total population and has 257.1 persons per 100 acres. Renfrewshire occupies only 0.8 per cent. of the total area of Scotland, but contains 6.6 per cent. of the total population with 205.1 persons per 100 acres.

These figures indicate clearly the striking difference presented in Scotland between the great central belt of urban activities with its crowded population, the centre of the iron and coal industries and of a world-wide commerce, and the immense tracts of semi-deserted rural shires, where population declines and vast areas approach nearly to the conditions of solitude.

It is important also to notice that the midland counties not only contain a very large proportion of the population, but also that their population is overwhelmingly *urban*. In Renfrewshire the *urban** population constitutes 91.7 per cent. of the total population of the county; in Lanarkshire, 91.2 per cent.; in the county of Edinburgh, 88.6 per cent.; in Dumbartonshire, 86.0 per cent.; in Forfarshire, 85.4 per cent.; in Clackmannanshire, 84.8 per cent.; and in Selkirkshire, 83.0 per cent. On the other hand, the counties with the largest percentage of *rural* population are Sutherlandshire, 89.7; Ross and Cromarty, 84.1; Orkney, 78.9; Shetland, 78.9; Berwickshire, 72.0; Inverness-shire, 70.9; Argyllshire, 70.1; and Wigtonshire, 65.5.

Of the total population of Scotland, 65.7 per cent., are within burghs with populations of over 1,000 inhabitants.

* Places with populations over 1,000, which are either burghs or special scavenging, etc. districts, are here treated as urban. The remaining portions of the counties are treated as rural.

Diagrams showing
(1) Proportion of Total Houses,
of the specified sizes.

(2) Proportion of Population
living in them.

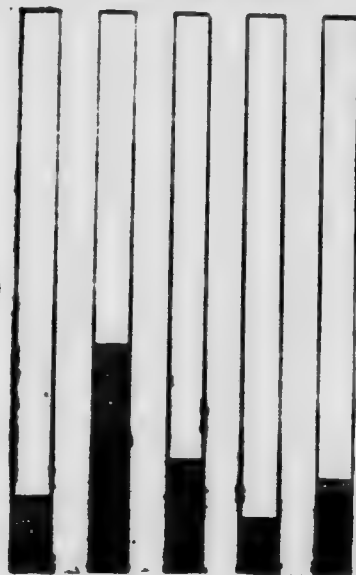
DIAGRAMS

ILLUSTRATING

HOUSING CONDITIONS

IN SCOTLAND.

(1)



1 Room

2 Rooms

3 Rooms

4 Rooms

5 or more
Rooms

Diagram showing Proportion of
Population (excluding Institution
population) living

more than 4

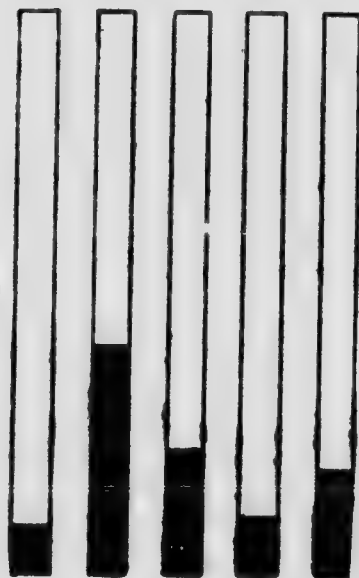
more than 3

more than 2

2 and under

persons per room

(2)



SECTION III. HOUSING.

Some preliminary remarks must be made, also, regarding one other striking feature of urban Scotland; namely its housing.

In 1911 of the 4,601,070 persons in Scotland (excluding the institutional population), 399,876 persons were living in single apartment houses, and of that number 288,367 were in burghs with populations of over 2,000. Further, 1,881,529 persons were living in houses of 2 rooms, and of that number 1,280,002 were in the burghs with populations over 2,000. Thus nearly one-half of the population are living in houses of one or two rooms. But there is still another aspect which is even more striking. In Scotland 2,077,277 persons are living more than 2 persons per room, 1,005,991 persons are living more than 3 persons per room, and 397,262 persons are living more than 4 persons per room. Thus nearly one-half, more than one-fifth, and nearly one-eleventh of the population are living more than 2, 3, and 4 persons per room respectively. And this is exceeded in many individual towns and still more in particular areas in such towns.

PERCENTAGE OF ONE AND TWO ROOM HOUSES.

Of the houses * of Scotland 53·2 per cent. contain not more than 2 rooms; and in the burghs with populations exceeding 2,000 the houses of not more than 2 rooms constitute 56·8 per cent. of the total. In the remainder of Scotland they constitute 46·7 per cent.

While the average percentage of houses of 2 rooms or less in the burghs of over 2,000 inhabitants is thus 56·8 per cent., this figure is often considerably exceeded in the case of individual towns. For example, in Coatbridge, with 8,167 houses, 78·7 per cent. thereof are houses of 1 and 2 rooms. In Alva the figure is 65·4 per cent.; in Clydebank, 79·1 per cent.; in Cowdenbeath, 74·6 per cent.; Dundee, 69·9 per cent.; Airdrie, 73·6 per cent.; Kilmarnock, 67·7 per cent.; Glasgow, 66·3 per cent.; Govan, 75·7 per cent.; Hamilton, 71·0 per cent.

* The term "house" in Scotland includes all separate dwellings such as flats, and does not refer merely to separate buildings.

cent.; Motherwell, 73·8 per cent.; Wishaw, 77·9 per cent.; Barrhead, 74·1 per cent.; Greenock, 61·8 per cent.; Johnstone, 71·6 per cent.; Paisley, 69·6 per cent.; Pollokshaws, 71·4 per cent.; Port-Glasgow, 68·7 per cent.; Renfrew, 72·2 per cent.; Falkirk, 61·9 per cent.; Kilsyth, 77·2 per cent.

The percentage of *one-roomed houses* in Scotland is 12·8. In the burghs with populations exceeding 2,000, this percentage is 14·4; while in the remainder of Scotland it is 9·9.

The percentage of *one-roomed houses* is in Glasgow 20·0, in Airdrie, 24·9; in Coatbridge, 27·3; in Hamilton, 24·6; in Johnstone, 24·1; in Pollokshaws, 23·7; in Motherwell, 21·9; in Kilmarnock, 20·1; in Rutherglen, 19·5; and in Clydebank, 18·9.

Further, in Glasgow there were at the 1911 census 11 per cent. of the houses uninhabited (*see* p. 405 of this Report). In many of the burghs this percentage is much less, such as Dunfermline 3 per cent., Hamilton 2 per cent., Greenock 3·6 per cent., Motherwell 2·6 per cent., Stirling 3·1 per cent., Inverness 5·2 per cent., Ayr 4·2 per cent., and Airdrie 3·3 per cent. In Glasgow, according to the estimate of the Medical Officer of Health, there are about 5 or 6 per cent. of the houses on the verge of being uninhabitable (*see* page 406). We have had evidence that in some of the other towns a large number of houses are being inhabited that are far below the habitable standard. Though we have not the precise figures, our information indicates that the estimate of 5 or 6 per cent. as on the verge of being uninhabitable is not an over-estimate as regards the burghs generally.

PERCENTAGE OF POPULATION LIVING IN ONE- AND TWO-ROOM HOUSES.

Of the population of Scotland 49·6 per cent. are shown by the 1911 Census to be living in houses of not more than 2 rooms.*

* The total population of Scotland is 4,760,904, but the number dealt with here is 4,601,070, being the population exclusive of persons enumerated in houses of more than 24 rooms, or in households of more than 19 persons, larger houses and larger households being mainly institutional; and is also exclusive of houseless persons and of the shipping population.

In the burghs with populations of 2,000 and over, the percentage living in houses of not more than 2 rooms was 52·9 ; in the remainder of Scotland it was 43·6.

In these burghs the percentage living in two-roomed houses varies from 67·2 in Lochgelly, 62·3 in Clydebank, 61·7 in Govan, 60·0 in Renfrew, 59·1 in Cowdenbeath, 56·9 in Port Glasgow, 55·7 in Armadale, and 55·5 in Barrhead, to 8·1 in Newport, 8·2 in Castle Douglas, 11·6 in Kirkwall and Carnoustie, 11·7 in Turriff and 12·5 in Duns.

The percentage of the population living in one-roomed houses is 8·7. In the burghs with populations of 2,000 and over this percentage is 9·7 ; while in the remainder of Scotland it is 6·8.

The percentage of the population living in one-roomed houses varies from 27·1 in Armadale, 26·5 in Kilsyth, 23·0 in Wishaw, 22·4 in Coatbridge, 19·6 in Galston, 19·3 in Airdrie, and 18·7 in Hamilton, to 0·3 in Duns, 0·7 in Newport, 1·0 in Bridge of Allan, 1·1 in Kirkwall, and 1·3 in Turriff and in Carnoustie.

PERCENTAGE OF POPULATION LIVING MORE THAN TWO, THREE AND FOUR PERSONS PER ROOM.

Further, of the population of Scotland in 1911, 45·1 per cent. were found to be living more than 2 in a room, 21·9 per cent. more than 3 in a room, and 8·6 per cent. more than 4 in a room. In the burghs over 2,000 in population these percentages are 47·6, 22·7, and 8·6 respectively ; while in the remainder of Scotland they are 40·7, 20·3, and 8·7 respectively.

As stated by the Registrar General for Scotland, "should living more than 2 per room be taken as a standard of crowding, a larger proportion of the burghal population is found to be living in crowded conditions than of the population of the remainder of Scotland ; and the same result is found if living more than 3 in a room be taken as a standard ; but if the standard be taken at living more than 4 per room no significant difference is found between the proportion within and without these burghs."

The standard of more than 2 in a room is generally accepted as typifying overcrowding.

While the average for Scotland of population living more than 2 persons per room is 45·1 per cent., it is only in the

middle counties comprising the industrial districts that this percentage is exceeded: for example, Ayrshire where the figure is 49·0, Dumbartonshire 54·5, Lanarkshire 58·8, Renfrewshire 52·9, Linlithgowshire 61·5, and Stirlingshire 50·9.

Again, it is found that the average percentage of the population living more than 2, 3, or 4 persons per room (45·1, 21·9, and 8·6 respectively) is in some districts very considerably exceeded, particularly in the large towns lying within the area round about the Forth and the Clyde. The following figures show this at a glance:—

Town.	Population (excluding institutional population).	Persons per room.		
		More than 2	More than 3	More than 4
(Scotland.)	4,601,070	per cent. 45·1	per cent. 21·9	per cent. 8·6
Kilmarnock . . .	33,965	55·2	30·5	14·0
Clydebank . . .	37,087	69·0	38·2	14·8
Dumbarton . . .	21,625	55·7	27·1	10·6
Cowdenbeath . . .	13,931	67·6	37·1	14·0
Airdrie . . .	24,086	64·9	40·1	20·2
Coatbridge . . .	41,599	71·2	45·0	23·7
Glasgow* . . .	754,534	55·7	27·6	10·7
Govan* . . .	87,954	62·7	32·4	11·4
FHamilton . . .	37,090	65·7	40·3	19·7
Motherwell . . .	39,715	68·1	40·3	19·2
Rutherglen . . .	24,151	54·4	29·6	12·5
Wishaw . . .	24,778	70·1	45·1	24·2
Bathgate . . .	8,089	58·3	32·1	14·3
Barrhead . . .	11,365	64·0	39·9	17·8
Greenock . . .	71,858	56·7	28·9	11·6
Johnstone . . .	11,952	61·2	34·0	15·9
Paisley . . .	81,915	58·6	29·5	10·4
Pollokshaws* . . .	12,929	60·8	33·6	14·8
Port Glasgow . . .	17,390	66·7	36·9	16·1
Renfrew . . .	12,554	61·4	31·2	11·7
Kilayth . . .	7,963	71·6	47·8	23·2

* In 1911, before amalgamation under the Act, 1912.

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It is thus obvious that there is very much overcrowding.
These figures are given here at some length because they indicate a state of affairs which merits the closest and most careful consideration. No person who has the welfare of the country at heart can regard them with indifference.

CHAPTER XXI.—BUILDING TENURES.

The following are the principal forms of building tenure in Scotland : and of these the feu is the largely predominant tenure.

These building tenures are to be distinguished from the occupying tenures, under which the actual occupiers of shops, houses, etc., hold their rights of occupation. These latter are discussed in Chapter XXV, and mineral leases are dealt with in Chapter XXVI.

Section I.—THE FEUDAL SYSTEM.

THE system of Land Rights existing in Scotland is based on the Feudal System and almost all the land is held in feu. This holding is for practical purposes equivalent to a lease in perpetuity, the superior or granter of the feu corresponding to the lessor and the vassal to whom the land is granted being in the position of lessee. The deed constituting the feu (either a Feu Charter or Feu Disposition granted by the superior in favour of the vassal or more generally a Feu Contract to which the superior and vassal are both parties) contains (1) an obligation upon the vassal to pay a fixed feu duty per annum ; (2) in general a stipulation to pay a double feu duty every nineteenth year for that year only (or sometimes every twenty-first year) ; and (3) stipulations for the erection and maintenance of buildings of a certain construction and value, restrictions as to the use to which they may be put, and for the prevention of nuisance. The vassal may lose his right to the land if he fails for two years to pay the feu duty or to implement other obligations undertaken by him.

The Feu Disposition is the type of deed used when a person purchases the land outright. The vassal in this case pays the

full price of the land and the deed stipulates for a nominal feu duty, *e.g.*, one penny per annum, if asked only. In this way the relationship of superior and vassal is maintained, and the superior is enabled to insist on restrictions which are specified in the Feu Disposition.

The principle of the system of land rights in Scotland is that lands are held directly or indirectly of the Crown, "The property of land in Scotland," says Professor Bell, "is held either directly and immediately under the Crown as paramount superior of all feudal subjects: or indirectly either as vassal to some one who holds his land immediately from the Crown, or as a sub-vassal in a still more subordinate degree. The two separate estates of superiority and vassalage are held reciprocally either by the Sovereign and his immediate vassal, or by the Sovereign's immediate vassal and his vassal under him, or successively by vassals still lower down to the last step of the ownership of land." For example the Crown may feu lands to A. who may sub-feu them to B. who may sub-feu them to C. and so on.

Unless effectually prohibited by a condition made prior to the commencement of the Conveyancing (Scotland) Act, 1874, sub-feuing may be carried to any extent. Thus, if the value of the land increases, the vassal may sub-feu for a payment of an increased feu duty. It is to be noted that the superior, after feuing his land, is not interested in any increased value of the land over and above the amount of the feu-duty, any increase in the value of the land being participated in by the vassal alone.

The following statement, contained in the Minority Report of the Royal Commission on Local Taxation, 1901, signed by Lord Balfour of Burleigh, Lord Kinross, Sir Edward Hamilton, Sir George Murray and Mr. James Stuart, may be quoted by way of further explanation:

"A, the original land owner 'feus' the land to B, a builder or speculator, *i.e.*, he grants the land to B, subject to the payment of a fixed perpetual annuity called a feu-duty. The relation thus created between A and B is by Scots law a feudal relation. A is called the 'superior' and B the 'vassal'; but, on the other

hand, so long as B pays the feu-duty and observes the other stipulations of the feu-charter, he is the proprietor or owner of the land and, consequently, if the land increases in value after the date of the feu grant, that increase, as well as the entire value of the buildings, belongs to him."

Reference may also be made to the opinion of Lord Kinneir in the case of *Inland Revenue v. Cardonald Feuing Company Limited*, where he states that what is given to the purchaser of a feu-duty is "neither the land apart from the houses nor the land and houses together, but a feudal right which will enable him to recover from both a perpetual annuity."

Section II.—BURGAGE TENURE.

In certain burghs there is land held on burgage tenure which may be stated to be equivalent to freehold. The holders of such land have now power to grant it in feu and this has very generally been done.

ABOLITION OF BURGH REGISTERS.

The titles to land which was formerly held on burgage tenure are still registered in different Burgh Registers, kept in the separate burghs, but for all other land there is one general register kept at Edinburgh for the registration of titles to feudal subjects. By the Burgh Registers (Scotland) Bill it is proposed to transfer the Burgh Registers to Edinburgh, so that all the land registers may be kept in one place. Objections have been stated to this Bill as framed on the ground that it fails to secure a complete unification of the system of registration.

● Section III.—LONG LEASES.

In some villages and country districts there exist long leases (for example of 999 years) of land for building purposes. The rent or tack duty is often of a small amount.

Land owners as a rule are willing to convert these leases into feus on condition that the tenant pays, (1) a feu duty at the current feuing rates (usually an amount very much in excess of the old tack duties); and (2) the expense of the Feu Contract.

Section IV.—SHORT BUILDING LEASES.

Building leases of short duration (99 years and under) are met with in some localities but they are not common in commercial and industrial centres.

Such leases are sometimes found on entailed estates in rural districts. This is due to the fact that an owner of an entailed estate requires, in the case of old entails, the consent of the Court of Session to enable him to feu and, in the case of new entails, the same consents as would be required to disentail are necessary. Where his estate is in a district in which there is little development he may not consider that the expense is justified.

It has also been the custom in some rural villages and fishing communities, especially on the north east coast to build dwelling houses on land held without a written title which legally imports a lease from year to year only.

CHAPTER XXII.

THE FEUING SYSTEM.

Section I.—GENERAL.

As in Scotland, the great bulk of land for building purposes is acquired under feu, the peculiar evils of the English leasehold system are not prominent. While the main difficulties of a ninety-nine years' lease arise on its expiration, the main difficulties as regards a feu arise rather at its beginning. The question of restrictions, etc., in feus, is dealt with in this chapter, as also are ground annuals, casualties, etc. The important question of the *price* at which land is made available for feuing is dealt with in Chapter XXIV.

The benefits peculiar to the feu system from the point of view of the man who uses the land and holds it from the original ground landowner are so obvious as to require no elaboration. There is no reversion of his interests to the ground landlord. Whether the feuar regards the transaction as a purchase subject to the payment of annual instalments in perpetuity or as a permanent lease subject to the payment of a fixed rent charge, he is assured of security of tenure and the absolute ownership of the buildings, etc., which he erects on the land so long as he continues to pay that rent charge. He benefits also by not having to pay a large capital sum down as he would have to do in purchasing freehold.

On the other hand, the very fact that the grant is in perpetuity sometimes tempts the landowner to retain his control of the land (*i.e.*, to hold it up) in the hope of ultimately obtaining a higher price. Once he has feued it off he will not participate in increased profits from any future improvements or developments, whereas the granter of a lease can still look

forward to a windfall arising from such causes, and also to the exaction of a higher ground rent on the renewal of the lease. This is a partial explanation of the high prices of land in Scotland as compared with England. A ground landlord in England, for example, is more willing to lease, as a rule, for he knows that, at the end of the lease, he can make the terms of renewal such as will bring him a greater advantage. Under the feu system, on the other hand, the superior's natural endeavour to fix his original conditions of feuing (including the amount of the feu duty) so as to get as large a return as possible, once and for all. It is very probable also that the preponderance of tenements of three and four storeys in height in Scotland as compared with England is attributable in part at least to these high ground rents. When the ground rent exceeds a certain figure (£20 to £25 an acre per annum), the erection of cottages at reasonable rents becomes impossible and it is necessary for the builder to erect tenements in order to spread the high cost of the land over a larger number of houses. The exaction of high feu duties by persons granting feus on the outskirts of Scottish towns has thus a tendency to necessitate the erection of tenements in order to make it profitable to develop the land subject to these payments. The high price of land and the erection of tenement housing react upon one another, that is to say, the high price of land requires the erection of tenements in order to make a maximum use of it and to spread the burden of the feu duty over as many payers as possible, and conversely the power to erect tenements and to impose upon the land a very considerable property maintains the high value of the land. For a further discussion of this question see Chapter XXIV.

In the following sections we deal with other features of the feuing system.

Section II.—RESTRICTIONS IN FEU CHARTERS.— GENERAL.

The imposition of reasonable conditions in feu contracts is clearly necessary so as to preserve the amenity and secure the continuance of some sort or other of building plan. The

superior has to protect his interest against the unreasonable feuar and against the jerry-builder, who might make a use of the feus in a manner not only injurious to the superior and the locality, but also injurious to the interests of neighbouring feuars. It is perfectly clear that some such restraint is not only advisable but essential.

On the other hand, one finds not only the unreasonable feuar, but also the unreasonable superior, who may, for some reason or other, have greater regard to his immediate financial interest than to the permanent interest of the locality and its amenities. There are many superiors animated by the desire to do the best for their estates in the interests of the whole district and of the inhabitants; but, on the other hand, there are others who, on account of financial difficulties or for other reasons, are under a certain pressure to elevate their own personal interest to a higher position than that of the communal interest. The essential point of criticism is that the superior, being frequently in a monopoly position as regards the supply of available land, is able to impose on feuars what are practically his own wishes, and it is obvious that such an uncontrolled position has in it elements that do not make for the good of the locality. It is not a question of restraining the good superior but of preventing action by the bad (or less fortunate) superior. The latter's action may be seriously detrimental to the public advantage and the proper economic development of the district.

The forces of supply and demand do not have a free sphere of operation, as frequently one superior owns all the land in the locality, so that access to any land for building can be obtained practically only on the terms dictated by him. Owing to the demands of industry, people may not be able to do otherwise than live in the locality concerned, so that although the conditions of feuing may be unreasonable, unless they are absolutely prohibitive, these persons are under what is practically an economic compulsion to agree to the superior's terms.

The superior's interest is in general to get as large a return as possible from his land, and he declares as a rule that his

only object is to get his land feued off as quickly as possible. This is generally true, but his terms for feuing may contain certain elements of unreasonableness in the eyes of intending users of the land which may amount to a partial prohibition. There is a considerable inducement on the superior in many cases to aim at realising that large return from a smaller number of transactions which is characteristic of monopoly dealings.

The two main considerations that arise are :

(1) The unreasonableness or exacting nature of the conditions of feu charters at the time when the feus are granted.

(2) The insistence or non-insistence upon these conditions in feu charters at periods subsequent to the original grant.

As regards (2) there are two main points :

(i.) The arbitrary insistence on conditions which are admittedly unreasonable and inequitable having regard to the passage of time, the change in the locality, etc. On the other hand, there are many instances, especially as regards old feus, where the conditions are not insisted on, and where it is to the interest of the locality that they should not be insisted upon.

(ii.) The failure to maintain restrictions in the interests of the amenity and of the other feuars.

In both cases it is the exercise of the arbitrary element that is the subject of criticism.

Section III.—RESTRICTIONS IN FEU CHARTERS.— TYPICAL EXAMPLES.

Feu charters generally contain detailed conditions imposed by the superior as to the kind of buildings which may be erected, the materials of which they may be constructed, and the use to which they may be put.

The following are typical extracts from feu charters relating to urban tenements :

A.

First.—That our said Disponees (the persons taking the feu) shall be bound and obliged to erect, and thereafter to uphold and maintain in all time coming, on said area of ground, before disposed, on site shown on the said sketch and measurement, and so that the main front walls of the tenements aftermentioned shall be at a distance of 15 feet neither more nor less back from the inner line of the pavement on the South side of and according to detailed plans and elevations approved by us, four tenements of maindoor and half-flat dwelling houses four storeys in height, neither more nor less, of the value of not less than £3,000 sterling each tenement and built wholly of stone and covered with blue slates ; it being hereby declared that the front elevations shall be entirely of ashlar and that the back walls, the eastern gable of the eastmost tenement, and the western gable of the westmost tenement shall be snacked rubble or ashlar ; which tenements shall be erected and completed as follows :

Two tenements prior to Whitsunday, 1914, and two additional tenements prior to Whitsunday, 1915, declaring further that the external appearance of the said buildings shall not be altered without the consent in writing of us or our successors, and that no buildings or erections other than the said four tenements of dwelling houses and the boundary walls hereinafter mentioned shall be erected or placed on the said area of ground without the foresaid consent ; and our said Disponees shall be bound and obliged to keep the buildings to be erected on said area of ground constantly insured against loss by fire with an Established Insurance Company, for at least three fourths of their value ; and in the event of the said buildings being damaged by fire, our said Disponees shall be bound to restore them to the requisite value within one year of such destruction or damage, and the whole sum to be received from the Insurance Company shall be expended at the sight of us or our foresaids in re-erecting the said buildings or repairing the damage done by such fire.

* * * * *

Fifth.—That our said Disponees shall not be at liberty to sell, use or dispose the said tenements to be erected on the piece of ground hereby feued in smaller portions than dwelling houses of three rooms and kitchen each nor shall any of such dwelling houses be occupied by more than one family at a time. *Sixth.*—That the area of ground before disposed, and buildings thereon, shall be used for private residence and for no other purpose whatever, and the back ground shall be used only as a green for bleaching and drying clothes.

*Tenth.—That we and our foresaids shall have power to make or allow whatever alteration or deviation we or they may consider proper upon any feuing plans of the lands and Estate of _____, or roads or drains thereof, or even to depart entirely therefrom and in the event of the exercise of such power by us or our foresaids, our said disponees shall have no right or title to object thereto : and (lastly) That if our said disponees shall contravene or fail to implement any of the burdens, conditions, declarations, and others herein written, this present feu-right, and all that may have followed thereon, shall, in the option of us or our foresaids, become void and null, without declarator or other process of law to that effect, any law or practice to the contrary notwithstanding.**

With entry as at _____ to be holden _____ in
 feu-farm, fee and heritage for ever, paying therefor our said disponees
 to us and our forebears the yearly feu-duty of _____ sterling
 (in which feu-duty is included the sum of _____ sterling being the
 commuted annual value of the cost of making roads and drains).

B.

(1) The said A.B. (the person taking the feu) and his forebears shall be bound so far as not already built to erect and completely build within eighteen months from the term of entry under these presents and in all time thereafter uphold and maintain and when necessary renew or rebuild upon the lot or area of ground hereby disposed a dwelling house or dwelling houses with suitable offices of stone and lime mortar and covered with slates and of the value of not less than five hundred pounds sterling in strict conformity with a plan and elevations to be submitted to and approved of by us as Trustees foresaid (the persons granting the feu) or our forebears before operations are commenced: And the said A.B. and his forebears are hereby prohibited from using the lot or area of ground hereby disposed except for a site for a dwelling house or dwelling houses and offices and garden and enclosure walls and it shall not be lawful for them to carry on upon the said ground or in the buildings to be erected thereon any chemical operations, noxious or noisy manufactures or anything which may be a nuisance or offensive or cause annoyance or occasion disturbance to any of the neighbouring proprietors or feuholders declaring that we as Trustees foresaid and our forebears shall be the sole judges of what may be considered a nuisance or offensive or causing annoyance or occasioning disturbance so far as we or they may consider our interest or the interests of our vassals affected thereby and our or their decision shall be final and we or they shall have power to order the removal of any nuisance or annoyance at the expense of the said A.B. or his forebears.

* These last words are of no effect in law.

And also declaring that we as Trustees foresaid or our foresaids shall not be liable for the execution of any general feuing plan of the lands of which the lot or area of ground hereby disposed forms a part to any extent nor for any articles or conditions of feu, if any, which may be in use to be submitted to feuars or inserted in their titles all of which we as Trustees foresaid reserve to ourselves and our foresaids power to alter, vary or omit, notwithstanding that we as Trustees foresaid may have previously granted Feu Rights subject to them or any of them and to lay out the unfeued ground in the neighbourhood of the lot or area of ground hereby feued with streets or roads not yet formed or otherwise as we as Trustees foresaid or our foresaids may think proper.

* * * * *

and declaring that we as Trustees foresaid shall not be bound to exhibit any search for incumbrances over the estate of which the lot or area of ground hereby feued forms a part, nor to clear the said subjects of any incumbrances at present affecting the same or any part thereof.

C.

The following are a few extracts from a villa feu contract typical of others.

Third.—The only buildings or erections which it shall be competent to the said A.B. and his foresaids to erect and maintain on the said piece of ground before disposed shall be a semi-detached villa dwelling-house and cellars and a washing house therefor as aftermentioned, which semi-detached villa dwelling-house shall be neither more nor less than two square storeys in height above the surface level of the ground, shall front to C street aforesaid, and shall be placed on a line parallel to, but 20 feet back from the Southwest line thereof, and the Northwest gable of the said semi-detached villa dwelling-house shall be placed on a line parallel to but 10 feet back from the Southeast line of D street aforesaid as the line of the said last mentioned street shall be fixed by the said superior or his foresaids so as to leave areas of these respective breadths between the said semi-detached villa dwelling-house and the said streets, which areas shall remain unbuilt on in all time coming; and the front wall of the said semi-detached villa dwelling-house as well as the gable facing the North-west boundary shall be built of stone and the back wall shall be built of brick finished with rough cast, and before applying the rough cast the joints shall be thoroughly raked out and the rough cast shall be put on in two coats of cement, each not less than three eighths of an inch in thickness and shall then be dashed with pebbles, granite chips or other approved material; and the said semi-detached villa dwelling house shall be self-contained and shall be occupied by one family tenant or occupier only and shall

contain not less than seven apartments of dimensions to be approved by the said Superior or his foresaids and the said A B and his foresaids shall be bound in so far as not already done, within twelve months from the first date hereof to erect and thereafter in all time coming to maintain on the said piece of ground a semi-detached villa dwelling-house of the foresaid description; *Fourth.*—The foresaid cellars and washing-house shall be formed in the lower flat of the said semi-detached villa dwelling-house, and they shall be used exclusively by the occupier of the said semi-detached villa dwelling-house, and complete plans and elevations of every building and erection proposed to be erected on the said piece of ground or any part thereof shall, before being proceeded with be submitted by the said A B or his foresaids to the said Superior or his foresaids, or his or their Factor for approval and if approved of the same shall be signed by him or them or the said Factor and by the said A B or his foresaids and these signed plans and elevations shall be strictly adhered to in building, and no building or erection shall be erected on the said piece of ground or any part thereof unless and until the plans and elevations thereof have been previously submitted, approved of, and signed as before provided, and if any building or erection shall be proceeded with or erected thereon in contravention hereof or at variance with or different from any plans and elevations which may have been approved of as aforesaid the said A B or his foresaids shall be bound to take down and remove the same whenever required by the said Superior or his foresaids, and before the foundations of any building or erection is laid on the said piece of ground by the said A B or his foresaids he or they shall be obliged to give fourteen days previous intimation to the said Superior or his foresaids or his or their Factor for the time of the intention to lay the same so as to prevent any encroachment beyond the boundaries before specified or building disconform to the conditions herein contained; *Fifth.*—It shall not be competent to the said A B or his foresaids to erect, maintain or use upon the said piece of ground before disposed, or any part thereof, any steam engine, foundry, smithy, gas works, glasswork, tan work, soap work, candle work, rope work, flask work, felt work, chemical work, bone burning work, copper work, brass work, dye work, glue work, coach work, flour mill, powder magazine or powder, cotton, woollen, worsted or paper mill, or manufactory, sugar refinery, charring house, slaughter house, distillery, brewery, pottery, sawmill, cooperage, workshop, warehouse or any other public or private work or manufactory or a stable coach-house, byre, dairy, barn, cowshed, pig house or piggery, nor shall it be competent to the said A B or his foresaids to form a railway or tramway on the said piece of ground or any part thereof or to use the same or any part thereof for a mineral depot, manure depot, wood yard, builders yard, or slater's yard, or as a quarry, sand pit, clay pit, brick or tile work, or in any way or for any purpose, other than as hereinbefore specified, or that may be deemed a nuisance; *Sixth.*—And the

said A B and his foresaids shall be bound to pay to the Provost, Magistrates, and Councillors of the Burgh of _____, as at the date of his entry to the said piece of ground as after specified the sum of £18 5s. 10½d. sterling, being the rateable proportion applicable to the said piece of ground hereby disposed of the cost already incurred by the said Provost Magistrates and Councillors of the said Burgh in the levelling and temporary formation of C street aforesaid and in constructing footpaths and a sewer therein with interest thereon and the said A B and his foresaids shall further be bound to pay to the said Provost Magistrates and Councillors of the said Burgh a proportion corresponding to the frontage of the said piece of ground to C street aforesaid rateably to the frontage of the feuable land in that street as particularly defined in an agreement entered into between the said Superior of the first part and the said Provost, Magistrates, and Councillors of the said Burgh of the second part dated _____ of any further sums which may be expended by the said Provost, Magistrates and Councillors of the said Burgh for formation of C street or for further construction of the said footpaths therein, as also to make and form or pay for making and forming and completing to the extent of one half its width D street aforesaid and to make and form or pay for making and forming a foot pavement along the said street and to pay for the construction of a sewer therein and that opposite to the said piece of ground and in so far as the same extends or may extend along the said street ; *Seventh.*— It is hereby provided that in case the said A B or his foresaids shall encroach beyond the boundaries of the said piece of ground as hereinbefore specified or build any walls or erections which enclose or encroach upon C street or D street aforesaid or on the adjoining grounds such enclosure walls or erections shall stand at his or their risk and he or they shall be obliged, whenever required, without any warning or recourse for expenses or damages to remove from the ground encroached upon, however long it may have been possessed and to take down and remove the said walls or erections, and in the event of his or their delaying or failing to do so the said walls or erections may be taken down and removed at his or their expense by the Provost, Magistrates and Councillors of the said Burgh or the said Superior or his foresaids ; *Eighth.*— It is hereby expressly provided that no subfeu to be made or granted by the said A B or his foresaids of the said piece of ground and others before disposed or any part thereof shall in any way limit or prejudice the rights privileges and remedies of the said Superior and his foresaids as Superiors of the said piece of ground and others or the burdens, conditions, provisions, declarations, restrictions, prohibitions,* obligations, and others herein contained, all of which shall continue in full force and effect in the same way as if no subfeu had been made or granted, which conditions, provisions, declarations, restrictions, prohibitions, obligations, feuduties and others before and after specified are hereby created and declared to be real burdens on the said piece

of ground and others before disposed, and real conditions of this Feu right thereto and as such shall be duly observed paid and performed by the said A B and his foresaids and shall be inserted or referred to in statutory form in every future Charter, Disposition, Conveyance, Subfeu right and Deed of Investiture of the said piece of ground and others or any part thereof under the pain of nullity. And it is hereby likewise declared that the vassal or vassals in the said piece of ground and others shall be bound to free and relieve the said Superior and his foresaids of the whole public and parish burdens exigible therefrom from and after the foresaid date of entry and also to answer and compare at all Rent Courts to be holden by the said Superior or his foresaids or his or their Factor in his or their names.

Section IV.—UNREASONABLE RESTRICTIONS IN FEU CHARTERS.

In various instances the restrictions in feu charters operate in a manner which can scarcely be described as other than inequitable. In one class of case, the conditions are inequitable from the making of the contract. Further, as shown in the examples quoted in the previous section, the superior (or his agent) is generally the person who is to decide in the case of any dispute between the superior and the feuar as to whether the latter has fulfilled his obligations. It is, at best, difficult to accept any man as a satisfactory judge in a dispute to which he is a principal party.

In some cases landowners stipulate that no buildings shall be erected unless each house exceeds a certain value. While the object of this restriction may be either to preserve the amenity or to provide sufficient security for the feu duty, if it is made operative over a wide area, as sometimes happens, it may result in great hardship. It may have the effect of preventing the erection of houses suitable for working class people and others of limited means in localities and under circumstances where no damage would be done to the amenity.

Stipulations also are generally inserted as to the nature of the buildings, *e.g.*, that they should be built with polished stone and that the building plans should be approved by the superior. These restrictions sometimes prove unreasonable,

and prevent the erection of houses desirable in the community's interest though not in accordance with the notions of the superior or his agents. There are cases where a landowner will only grant feus for houses if the person building the house is to occupy it himself, the object presumably being to discourage the speculative builder. The effect of this, however, is that the person whose means will only permit him to rent a house or who does not desire to sink his money in a purchase is precluded from obtaining a house at all in that locality.

With regard to restrictions it should be noticed that as a rule the landowner's interest coincides with that of the community. For example, where a district is suitable for residential purposes and is developed for such it is the interest of both parties to preserve the amenity. There are cases, however, where the landowner does not take that view. He may be pressed for money at the moment; he may be indifferent to the future; he may be lacking in ordinary foresight, and he may thus deal with his land in a way not only detrimental to the interest of the community, but also to the prejudice ultimately of the interest of his estate.

The provision in feu contracts of restrictions on the class of buildings, and the prohibition of industries likely to cause a nuisance, might be a sufficiently effective means of preserving the amenity of a district provided that the right of imposing the restriction were properly exercised. The objection to the present system as a means of preserving amenity is that this right is in the arbitrary power of the superior, and is in some cases arbitrarily exercised.

There are many instances where a change in the local conditions makes it next to impossible to fulfil restrictions imposed by superiors. In one area of a large town, for example, a portion of the estate of one proprietor, extending to twelve or thirteen acres, was sold by him subject to restrictions under which only houses containing four rooms and kitchen could be erected fronting certain roads which bounded the area sold. The proprietor later sold the remainder of his estate without restriction, but assigned to the

purchaser the right to enforce the restrictions on the area previously sold. The purchaser thereafter erected many tenements of houses of two rooms and kitchen and one room and kitchen, some of which are directly opposite the restricted ground. The owners of the restricted area have endeavoured unsuccessfully to have the restrictions removed. The character of the locality has entirely changed, and the removal of the restrictions would make the ground available for building two room and kitchen houses, for which there is a constant demand. To comply with the restrictions and erect houses of four rooms and kitchen in a locality where the demand is for houses of two rooms and kitchen would only entail a heavy financial loss on the proprietors.

While stringent restrictions are often injurious, yet, on the other hand, great hardship is sometimes caused through the failure of superiors to impose useful restrictions against buildings of an unsuitable nature, in consequence of which the amenity of a district may be destroyed. For example, villas or cottages may be erected in a certain area and at a later date the adjoining ground may be feued off for the erection of works or factories, with the result that the houses may be overshadowed by unsightly buildings of great height. In many cases this has seriously depreciated the value of houses and caused heavy loss to people who have bought the houses they live in, and also to those who have invested in residential property. The risk of loss and the uncertainty of the amenity being preserved have undoubtedly deterred people from buying houses.

In a residential district there is no question more important than the preservation of amenity, and reasonable restrictions for this end ought not only to be upheld, but strengthened. It does not follow, however, that the owners are the best parties to maintain the amenity. The general experience is that restrictive conditions are modified by landowners when by doing so they can dispose of their land. (See, for example, the clauses in the feu charter quoted in Section III., where the superior reserves power to vary, alter, and depart from the feuing plans.)

An owner who has feued a part of an area for better class property and finds, subsequently, that the demand for such property is more limited than he expected, is, if he is free to do so, under considerable inducement to feu off the remainder on the best terms he can obtain regardless of the amenity of the part already feued. The preservation of the amenity in so far as it does not coincide with his immediate financial interest may be no direct concern of his. The parties mainly interested may be the previous purchasers, and not infrequently restrictions have been imposed at the instigation of, and in favour of, previous purchasers who desire naturally to protect their amenity. Such restrictions are often a valuable asset to cities. In the case of the Pollok-shields villa district of Glasgow, for example, the setting apart of a large area of land for good class villa property is probably for the benefit of the City as a whole. It is undoubtedly unreasonable that a man who acquires, say, a villa property for residence in a neighbourhood on the understanding that his amenity will be maintained, should discover, in fact, after a few years, that the amenity is depreciated by buildings which could equally well be placed elsewhere. He suffers a real loss in the diminished value of his property, and it is unreasonable that this should happen, if, in fact, the other buildings could as well be erected in localities where they would be of equal utility and quite as desirable to the people using them and have no depreciating influence on the property of others. The effect is worse, of course, where factories or works of an objectionable character from a residential point of view are erected. The essential defect of the present system is that the landowner (or a neighbouring landowner) may be under greater financial inducements to depreciate an existing amenity than to maintain it. The maintenance and protection of the amenity is essentially a corporate consideration.

The provisions of the Town Planning Act are available to Local Authorities for the purpose of securing and preserving amenity, and of preventing the evil effects of haphazard and ill-considered building; but, unfortunately, many authorities

have been very slow to take advantage of their powers. It is therefore all the more disappointing to find that, although the Act has been in force now for four years, buildings are being erected in residential districts which are quite inconsistent with any reasonable town planning scheme.

In many cases restrictions which at the time of their imposition were reasonable provisions for preserving the amenity become obsolete in course of time in consequence of a change in the character of the locality. With the expansion of a town the business area may extend into a district which was originally feued off for private residences, and it may become desirable to have the building restrictions modified or removed. Superiors as a rule do not in such cases insist upon the retention of the restrictions, and, in fact, the law is that they have only a right to maintain the restrictions if they have a legitimate interest to do so. The *onus*, however, is placed upon the vassal to establish that the superior has ceased to have any interest, and the Law Courts will recognise the superior's right to object, however slight his interest may be.

The chief difficulties are that : (a) an expensive litigation in the Court of Session may be necessary before it can be determined whether a restriction is enforceable or not, and thus the tendency is for a restriction to remain operative long after it has become obsolete because no one may take the risk of testing the point ; (b) the presumption is in favour of the superior, so that a superior who has not permitted any deviation from the original plan or scheme is in a strong position ; (c) an interest to maintain the restrictions, however slight it may be, is sufficient justification for maintaining them even though from the point of view of the general interest of the community it may be desirable to have them removed upon payment of reasonable compensation.

Again, neighbouring feuars from the same superior may have a legal right to enforce restrictions if this has been provided for in their respective contracts either expressly or by reasonable implication from some reference to a common feuing plan or scheme of building, or, if there is a mutual agreement among the feuars themselves. A neighbouring feuar is

not, however, in as strong a position as the superior because he cannot enforce a common restriction without proving that he has an interest to do so, i.e., the *onus* in this case is on the party endeavouring to retain the restrictions. Accordingly, it may be very difficult to maintain restrictions however desirable it may be to do so in the general interest.

So far as the removal of unreasonable restrictive conditions in feu charters, etc., is concerned, we are of opinion that provision should be made to have them modified in a simple and inexpensive way on equitable conditions, where in fact their continuance is clearly undesirable in the general interest. All the circumstances should be taken into account, and the different interests concerned dealt with equitably.

Further, the feuars themselves are sometimes the most difficult people to deal with. Questions often arise with feuars who object to erections made by their neighbours upon their feus, and invoke the intervention of the superior. One man wishes to erect a building upon his back ground which will shut out the view of his neighbour. The latter appeals to the superior, and, in some cases, it is not clear how far the superior has rights to interfere. Sometimes a feuar may be determined to erect buildings on his feu without due regard to the interests of his neighbours. He likes his own amenity to be preserved, but has much less consideration for that of his neighbour.

On this part of the question we are clear that two guiding principles should overrule others :

(1) That the preservation of the amenity is really a communal concern and cannot be entrusted solely to the superior.

(2) That reasonable facilities ought to be provided for a variation by judicial procedure of conditions which are clearly obsolete or unreasonable, on terms equitable to the interests concerned.

As regards areas being feued, we are of opinion that as town planning should be made compulsory in all cases, inequitable or unreasonable conditions in feu charters should, in the first

instance, be dealt with in the preparation of the town planning scheme. Any landowner or person interested should be allowed an appeal to a court against the exclusion of any conditions which he considered it advisable to have inserted

Section V.—CREATION OF GROUND BURDENS IN
EXCESS OF THE VALUE OF THE LAND—GROUND
ANNUALS.

While the usual methods of transferring land under burden of an annual payment is by Feu Charter or Feu Contract, there is another method which requires some consideration, viz., the transfer of land under burden of a ground annual. Where lands could not be sub-feued by the proprietors and it was desired to sell them for an annual payment the device was adopted of transferring them by a Deed known as a contract of ground annual. This Deed consists of two parts. In the first place it is a disposition by the proprietor or seller of the ground to the disponent or purchaser under burden of a reserved ground annual or perpetual annuity payable at certain fixed periods (generally half yearly at Whitsunday and Martinmas), and also containing the conditions and restrictions upon which the ground is to be held and in the second part the disponent obliges himself personally to pay the ground annual, and he also disposes the ground back to the seller in security of the obligation.

A contract of ground annual may still require to be used where lands have increased in value and are held under prohibitions against sub-infeudation created before the Conveyancing Act, 1874: but while its original purpose was to overcome a difficulty in granting a feudal title it is now more often used to serve a different purpose in cases where a sub-feu could be granted.

In the large cities it has become a very common practice for builders, with the object of financing their operations, to create ground burdens in the form of ground annuals, which are

largely in excess of the rates at which the land is feued. A "minus" site value may arise when a ground annual is created in this way.

These burdens have no relation to the land value but depend upon the rental of the developed subjects.

They are perpetual annual payments secured on the property and are not redeemable (unless the Deed stipulates for redemption). As soon as they are created they can be sold. And this is precisely the explanation of their existence. The builder commonly disposes of them for cash as soon as they are created, and so finances his operations: he obtains this money at an earlier stage in building the premises and also secures this money at a lower rate of interest than a bond or mortgage. He thus secures what is practically a first mortgage on easy terms. The ground annual has also the advantage over a mortgage that it is perpetual and never requires to be renewed, whereas a mortgage may be called up and has to be replaced at the borrower's expense.

The annual amount of the feu duty and the ground annual added together usually run from one-tenth to one-seventh of the gross rental of a tenement property and there is generally provision for a duplicand every nineteenth or twenty-first year.

Thus a four-storey tenement with a gross rental of £200 may be erected on a plot of ground for which the builder pays a feu duty at the rate of £5 per annum for the plot. The builder may create a ground annual of £15 to £20 per annum, which is a charge upon the property ranking after the feu duty.

The builder could sell the ground annual (i.e., the right to exact this annual payment) formerly at up to and even over thirty-one years' purchase, but now at from twenty to twenty-four years' purchase.

Further it is to be noted that a first bond or mortgage up to two-thirds of the value of a heritable property is an authorised trustee investment, and that a builder can obtain a bond to this extent at the lowest rate of interest for such securities. The value of the property is of course taken subject to any prior burden, such as feu duty and ground annual. It thus

appears that by creating a ground annual a builder can obtain advances on the most favourable terms over his property and to a larger extent than otherwise. It is held by builders that the creation of ground annuals through more economical financing of building has led to the reduction of rents. The point is that the money realised from the sale of the ground annual is equivalent, financially to a mortgage, with the advantage over a mortgage that, being perpetual, there is no expense of replacing it and being so highly secured the rate of interest is lower.

When the builder realises the ground annual he can sell the property at less than the actual cost of building, part of his profit being contained in the ground annual: the purchaser, of course, being required to pay the ground annual yearly.

It is argued sometimes that if feu duties were low it would result merely in the creation of larger ground annuals. However, if land generally could be acquired at low rates then ground annuals in excess of these rates could only be created on the security of the buildings—not the land.

It is not improbable, however, that in some instances the creation of ground annuals might, by collusion between the landowner and the builder, be used as a device to defeat the benefits of any restraint over the rates and conditions of feuing, and, supposing such restraint were imposed, some provision would seem to be necessary to render this impossible.

It is also to be noted that a builder may instead of creating ground annuals create feu duties to serve a similar purpose, viz., as a means of financing his operations. For example, the builder may acquire an acre of ground at an annual feu duty of £60 an acre. He divides his acre into five plots and the feu duty of £60 is allocated upon three of these, each being subject to £20 of feu duty. Upon the remaining two plots he may create an additional feu duty of say £20 each, payable to himself or his nominee. These additional feu duties he is able to sell. Thus the acre of ground is subject to a burden

of £100 per annum, but as £60 per annum was the value of the land, the additional £40 is secured by the buildings. This additional £40 of feu duty created by the builder, is, like the ground annual, of the nature of a first mortgage.

Section VI.—CASUALTIES AND DUPLICATIONS.

By the strict doctrines of the old feudal system the original vassal in whose favour the Feu Charter had been granted could not transfer his holding without the consent of the superior. Before any successor of the original vassal could complete his title he had to be accepted by the superior and the superior was only bound to accept the heir indicated in the Charter. This strict rule was relaxed by certain old Acts which provided that the superior was bound to receive a singular successor, i.e., a person who was not the heir, on payment of a sum equal to a year's net rents of the subjects. Except in exceptional circumstances the superior could not compel payment until the death of the vassal whom he had last accepted. This payment is known as a "composition." When the successor to the feu was the heir of the last vassal he had to pay the superior a sum equal to a year's feu duty known as "relief." Relief and composition are casual payments falling in at uncertain times and are known as casualties.

By the Conveyancing (Scotland) Act of 1874, it was declared unlawful to stipulate for casual payments in feus granted after the commencement of that Act and in such feus none were to be payable *ex lege*.

In feus granted prior to the Act, however, the casualties of relief and composition still remained exigible. The Act gave the vassals power to redeem the casualties on certain terms; but no power was given to superiors to compel redemption. The terms of redemption involved, in the case of subjects of value, the making of a single payment of a substantial sum (one and a half or two and a half times a year's net rents) in addition to paying any casualty which was due

at the time. Probably as a result of this the power of redemption provided by the Act has only been taken advantage of to a limited extent and a large proportion of feus granted prior to 1874 are still subject to these casualties.

Since the passing of the Conveyancing (Scotland) Act, 1874, it has become a very general practice for superiors to stipulate for payment (in addition to the annual feu duty) of a sum (a year's feu duty or double of a year's feu duty) at definite intervals of more than one year (generally on the expiry of every nineteenth, twenty-first, or twenty-fifth year). These payments are known as "duplicands."

In contracts of ground annual it is also the general practice to stipulate for payment of duplicands.

As "duplicands" are payable at definite intervals they are not struck at by the prohibitions of the 1874 Act; but coming as they do at long intervals, the vassal is apt to overlook them and consider the annual payment of the feu duty or ground annual only. They are consequently felt to be a severe hardship.

A very desirable reform is proposed by the Feudal Casualties (Scotland) Bill presented by the former Lord Advocate (Lord Strathclyde), and we consider that effect should be given to this Bill.

This Bill includes "duplicands" under the definition of casualties. It prohibits the stipulation for casualties in any future feus (including contracts of ground annual) and in the case of existing feus it provides for the redemption of casualties, the measure of compensation fixed by the 1874 Act being, with certain modifications, adopted in the Bill. It, however, remedies defects in that Act by giving (1) the option to the vassal of having the redemption money converted into an annual payment to be added to the feu duty or ground annual; (2) power to the superior to compel redemption. The power to redeem may be exercised for a period of fifteen years after the commencement of the Act, and on the expiry of that period all casualties shall be held to be extinguished or discharged.

Section VII.—POWER TO REDEEM OR APPORTION FEU DUTIES AND GROUND ANNUALS.

A feu duty is in itself perpetual, but there are quite a number of cases in Glasgow and elsewhere in which the feuar has the right to redeem generally at twenty-five years' purchase. It appears that advantage is not usually taken of this provision. On the other hand, there is no doubt that there are many cases in which a right to redeem would be of advantage. For instance, an area is feued for a private dwelling house with extensive grounds. In the course of time the character of the neighbourhood changes and the house is no longer suitable. The proprietor proceeds to lay out the ground for general building purposes. He may require to put streets through it and to re-arrange it. The *feu duty, however, attaches to every portion of the land* and it is often very inconvenient to re-arrange the building scheme with the overhead feu duty. It would be a convenience if the feu duty could be bought up or else re-apportioned on the property as altered. We consider therefore that in the case of all feu duties they might after the lapse of such time as the character of the neighbourhood changes, be redeemable in the option of the feuar upon terms to be arranged and, failing this, as might be fixed by an impartial arbitration, upon the footing of the owner of the feu duty getting fair compensation, restrictions being maintained as far as considered necessary. In addition, power should be given for the apportionment, on the application of the vassal, of the feu duty between the different properties, the superior's interest being equitably treated; so that the procedure could be by this method if desired instead of by purchase.

Section VIII.—FEUING CONDITIONS IN DISTRICTS WHERE THERE ARE MINERAL WORKINGS.

In many of the mining districts superiors when feuing off ground, reserve the power to work the minerals, and to lower the surface of the ground without being liable to compensate the vassal for any damage to buildings erected by him on the surface. In many of the mining districts it

is impossible to get a feu on any other condition. This condition is felt to be a great hardship in these districts, and it is an additional hardship that the superior stipulates that the buildings are to be kept in repair and maintained sufficiently to secure the feu duty, although his own acts or the operations of his mineral tenants may be the means of rendering the buildings uninhabitable.

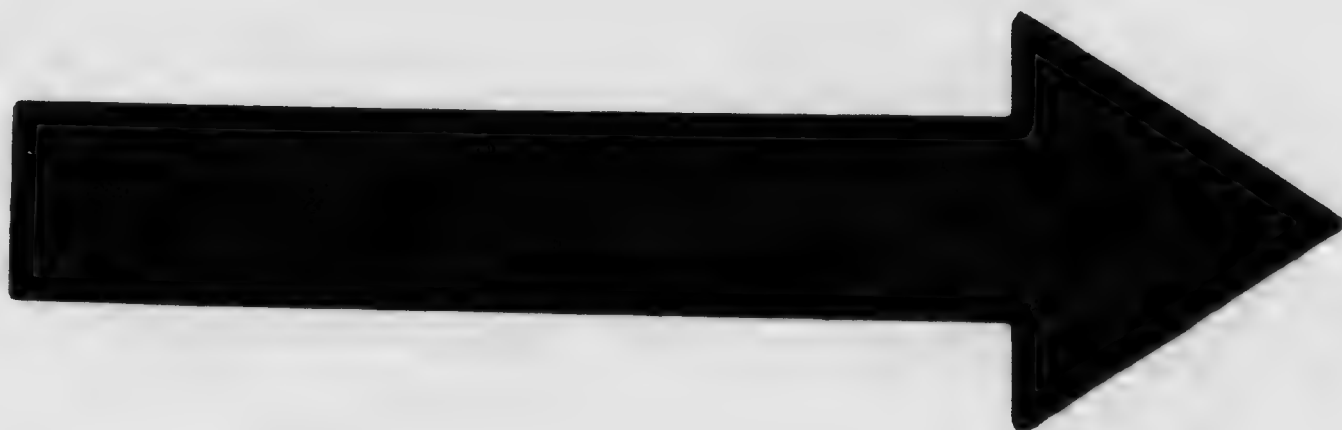
The grievance is not confined to the owners of private dwelling houses : it applies as well to the case of large industrial undertakings, public halls, schools, and other buildings. In the former case, however, the hardship is more pronounced, as the small feuar who has invested his capital in building or purchasing a dwelling house is often unable to meet the heavy expenditure of repairing the damaged fabric and is prevented, also, from borrowing money upon the building owing to the poor security he has to offer. It is not practicable to suggest as a remedy that they should buy the minerals in the land necessary to make secure individual houses.

This grievance is found over a wide area and especially in Lanarkshire and Ayrshire. In the Motherwell and Hamilton districts there has been a good deal of subsidence through mineral workings with great resulting loss to the feuars through damage to buildings. Water pipes and sewers have been broken, with consequent flooding of houses and risks to public health. (See reports on housing in Motherwell and Bathgate, pp 359-60).

The following is a typical form of the conditions contained in feu contracts and building leases.

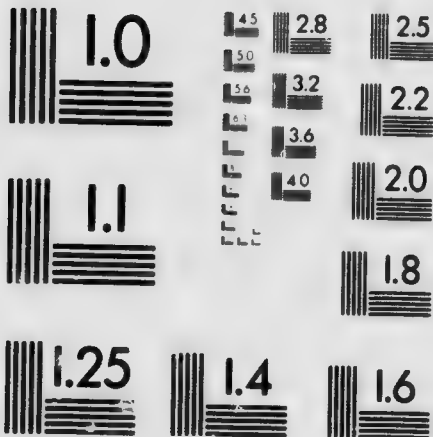
**TYPICAL CLAUSE IN FEU CONTRACTS ON ESTATES WHERE
THERE ARE MINERAL WORKINGS.**

But excepting and reserving always to the Superiors all ironstone, coal, fireclay, marl, shale and limestone, and all mines, metals, minerals and stone of every description (all hereinafter referred to as the 'reserved minerals') in or under the ground hereby feued, with power to the Superiors and their tacksmen or others in their name to work, win and carry away the reserved minerals (excepting building stone) and to do everything necessary for working, winning and carrying away the same (including power to lower the surface of the said ground), but the Superiors and their



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tacksmen shall not be entitled to sink pits on the ground hereby feued, and in the event of any damage (whether by subsidence or otherwise) being caused to the ground hereby feued or to the buildings erected or to be erected thereon or to the water with which the same may be supplied or to the drainage thereof, or in any manner of way by or through the past or future workings of the reserved minerals under or near the ground hereby feued, no claim for damage or recompense shall on such account lie or be competent to the said dispoonees against the Superiors or their tacksmen or other persons deriving right from them."

The Feu Contract further contains a provision that the feuar shall be bound "*to erect and maintain in all time coming*" buildings sufficient to secure the feu duty.

As the available land in the district is in the hands of a few proprietors, the people who have to live there for the purpose of their work cannot obtain access to land on better terms.

The one-sidedness of the bargain has long been an acute grievance.

It was fully considered by the Select Committee on Feus and Building Leases, 1894, and the following is an extract from their Report (*Parliamentary Paper*, 238, 1894.) Among other members of this Committee were the then Lord Advocate, Mr. J. B. Balfour (afterwards Lord Kinross), Sir Charles Pearson (afterwards Lord Pearson) and Mr. Thos. Shaw (now Lord Shaw.)

The grievance felt in the Motherwell and Hamilton districts and other places is that in consequence of all the available building land being in the hands of a small number of proprietors, persons whose businesses compel them to live and work there are obliged to take feus on such terms as the proprietors may dictate. * They complain that they should, by the terms of their feu grants, be bound not only to erect, but to maintain, buildings upon the surface, and yet that they should be obliged to submit to these buildings being seriously injured, and possibly destroyed, without their receiving any compensation, and further that, although this injury or destruction might occur time after time, they would, by the terms of their feu grants, be bound as often to re-erect the buildings. It appears to the Committee to be established that the grievance is serious, operating hardly upon individuals as well as public bodies, and likely to create a feeling of dissatisfaction with the law which permits such things. The grievance seems to be confined to a comparatively limited area, practically to the western coalfields of Scotland.

It was at one time made a question whether the stipulations of such grants did not involve such repugnancy as to liberate the feuars from their obligations under them, but in the case of *Buchanan v. Andrew*, 11 M. (H.L.), p. 13, it was authoritatively decided by the House of Lords that, as the contracts were voluntarily entered into, they must receive effect according to their terms, however great the hardship might be. . . .

In addition to the damage done to the buildings, it was alleged that gas and water pipes had been cracked and broken by the subsidence of the ground, causing pecuniary loss and danger to the public health, as also that the existing state of things led to a difficulty in obtaining houses for workmen, with the result that there was much overcrowding, attended by insanitary conditions and moral dangers. . . .

The Committee feel that it would be a very serious thing for the Legislature to interfere, at the suit of private individuals who had made such agreements with their eyes open, to prevent the mineral wealth of the country from being fully developed, and they are, therefore, indisposed to recommend that Parliament should enforce the leaving of any part of the minerals in the ground, with a view of supporting the surface, where the vassals had by express contract renounced or surrendered their right to support. Most of the witnesses who came forward to complain of the existing state of things appeared to be satisfied that it would be inexpedient to prevent the minerals from being fully worked out.

It was, however, suggested that if the minerals were fully worked out, with the result of causing damage to the surface and the buildings upon it, Parliament should enact that the Superiors working out the minerals should be bound to compensate their vassals for this damage. This seems to the Committee to raise a different and more difficult question. It is not disputed that the claim for damages would be quite reasonable if the vassals had not expressly renounced the right of support, and agreed that the Superiors should have power to work out the minerals without paying them damages for any loss or injury which they might thereby suffer, but it is said that where the vassals have so agreed, there is no reason why the bargain which the parties thought fit to make with each other should be disregarded, there being nothing immoral or contrary to public policy in it, that the vassals presumably got their feus cheaper than they would otherwise have done in consequence of having renounced their right to support and to damages; as also that, in view of the fact that the minerals were in many cases of much greater value than the surface, the Superiors would not have granted the feus at all, except upon condition that they should be entitled to work out the whole minerals, without paying to the vassals compensation for damage done to the surface. It

is, however, to be kept in view that in dealing with what may be described as a monopoly of land, the Legislature has, in some cases, insisted that agreements should be equitable and provided that if they are inequitable they should not be enforced. Illustrations of this will be found in the Agricultural Holdings Acts. The damage now under consideration is capricious in its incidence—it affects some buildings very seriously, and others scarcely appreciably, if at all; and persons seem to take feus in the hope, if not in the expectation, that it will not affect them. Further, the profit derived by the Superiors from working out the whole minerals is large, and it does not appear that any great inroad would be made upon it if the Superiors were required to make good the relatively small amount of damage which would require to be paid, if the common law right to damages, renounced in the feu grants, was restored by Parliament. Upon the whole, a majority of the Committee think that there is ground for the Legislature interfering to reinstate or reserve this common law claim to damages, both in the case of past and future feu grants, though not for requiring that support should be left for the surface and the buildings upon it, and thus in effect prohibiting the working out of the minerals. A minority dissent from this view, in so far as it relates to feu grants already existing, but think that it might properly receive effect as regards future feu grants.

What has now been said sufficiently indicates the view which the Committee take of the suggestions put forward in Clause 1 of Mr. Crawford's Bill, *videlicet*, that where land has been or shall be feued or let upon a condition that buildings were or are to be erected thereon by the vassal or lessee, any contract or agreement purporting (a) to entitle the Superior or lessor to do, or authorise to be done, any act whereby such buildings may be injured, which, but for such contract or agreement, he would not have been legally entitled to do; or (b) to release the Superior or lessor from any liability to pay damages for doing injury to such buildings, or authorising any act whereby injury was caused to the buildings, which, but for such contract or agreement, he would have been liable to pay, shall be void.

* * * * *

A majority of the Committee further think that the Legislature might properly declare that the provisions of such feu grants shall be invalid, in so far as they involve a repugnancy, and in particular in so far as they purport to impose an obligation upon the vassals to rebuild their houses or other erections after they have been destroyed by mineral workings, especially as the obligation would, according to its terms, bind the vassals to re-erect the buildings as often as they might be brought down by the mineral workings. The considerations which prevailed with the majority of the judges

of the Court of Session in the case of *Buchanan, etc. v. Andrew*, 9 M. 554, would seem to warrant such a statutory interference with the grants. A minority, however, consider that such legislation should be made applicable only to future feus.

The considerations which prevailed with the majority of the judges of the Court of Session in the case of *Buchanan* against *Andrew*, above referred to, are worthy of notice :

Strong criticism was directed by the Bench against the form of the clauses contained in the feu contract and particularly the clause excluding all claims on the part of the feuar for damage done to his buildings as a result of the mining operations carried out by the Superior. Lord Neaves likened the contract to the old form of leonine contract, so called from the old fable of the lion who carried off everything. "There may be here," he said, "a most valuable mineral estate; on the other hand, there is a large portion of the surface covered with houses invoked into existence by the fiat of Colonel Buchanan or his predecessors, the proprietors of the *plenum dominium*. A town has thus been called into being, and Colonel Buchanan and his predecessors have derived from it both importance and pecuniary profit. He takes his feuars bound to build houses, and he lays down streets to be traversed by all the inhabitants; but it is said that by the force of certain clauses as to the mineral estate, he is liable to destroy these uses of the surface which he has not only permitted but compelled. That plea is a very stringent and high plea particularly if he cannot only do so, but do so without any compensation which makes it the more difficult to assume any such right. It is easier to assume an equitable than an inequitable arrangement. . . . Now here the proprietor says I bind you to build and reserve to myself right to undermine and you must rebuild, and I may again undermine, and so on, as often as I please to undermine, and you must pay the feu duty notwithstanding. I cannot imagine such a contract."

Lord Benholm, in criticising the action of the Superior, said : "But what shall be said of a mineral proprietor, who having fenced himself round by anxious and absolute clauses in his feu rights from all liability for pecuniary compensation for the consequences of his workings, shall also assume to himself an absolute right to conduct those workings exactly as he pleases, his only guide being his own pecuniary interests?"

Lord Justice Clerk Moncrieff, in dissenting from the views of his colleagues, expressed the opinion that so far as the essence of the complainer's case was based on "some views of policy or expediency" these were "more suited for the Legislature than for a Court of Law."

In a Bill introduced by Mr. J. Duncan Millar, K.C., M.P., it is proposed to give effect to these recommendations. It is clearly unfair that the monopoly position of the landowner should allow him to dictate conditions of necessary access to land which are so obviously one-sided and unreasonable. While we consider it should be taken out of the landowners' power to insist on such inequitable conditions, and that these should for the future be declared null and void by statute, we think that in the case of existing feu contracts and building leases where subsidence has taken place there should be a right of appeal to the Government Department or Court already referred to, who should review the case equitably and determine whether compensation should be payable by the Superior in respect of the damage caused and the amount of such compensation. In considering the facts of the case it could be determined what actual reduction of feu duty (if any), had been allowed in respect of liability to surface damage, and if satisfied that a much reduced feu duty had been exacted the Court might decide that the feuar should bear some part at least of the resulting loss, or otherwise deal equitably with the case.

The same difficulty is experienced by local authorities in the proper execution of necessary public works. In nearly every case where land is purchased by a local authority in the Middle Ward of Lanarkshire the minerals are reserved and no claim is allowed in respect of damage to buildings or works caused by subsidence. There are minerals throughout most of the area and the local authorities have been retarded greatly in laying down works to deal with the purification of the sewage owing to the liability of the ground to subside. It has frequently been necessary, also, to delay making necessary sewage works until the working of minerals under the surface had ceased or until it appeared that the ground had, in fact, subsided and settled. In some cases the minerals under the ground purchased by the local authority continued to be worked for as long as twelve or fifteen years after the purchase by the local authority, and the ground was largely useless for the purpose for which

it was acquired. Though probably the mineral rights under the ground in question could have been purchased by the local authority in the first instance, it is considered generally quite undesirable to do so, as apart from the question of the additional expense, the local authority would not undertake the business of extracting the minerals.

In so far as the superior has benefited from the extraction of the minerals, it is fair to take this consideration into account in making the surface available for feuing on the same estate where it is known that the liability to subsidence exists. The surface of such land ought to be available at much lower rates than it is at present.

Where mining operations are carried out under large towns or populous districts it is sometimes not very difficult to secure the surface effectively by the system of hydraulic stowage of the waste as has been demonstrated by experiments at Motherwell and in Fifeshire, and on a larger scale in France and elsewhere on the Continent.

The following resolution was passed at the Annual General Convention of the Royal Burghs of Scotland, held at Edinburgh on the 7th day of April, 1914.

"As considerable destruction is done to public and private property throughout Fifeshire and other counties in Scotland by mineral and underground operations, that the time has now arrived for this Convention to press for legislation with a view to compensation being given for such property destroyed."

Section IX.—SERVITUDES.

"A servitude is a burden on land or houses imposed by agreement—express or implied—in favour of the owners of other tenements; whereby the owner of the burdened or 'servient' tenement and his heirs and singular successors in the subject, must submit to certain uses to be exercised by the owner of the other or 'dominant' tenement; or must suffer restraint in his own use and occupation of the property."*

Servitudes are of two classes, *positive* and *negative*:

A positive servitude enables the dominant proprietor to exercise some act of absolute use over the servient

* Bell's Principles of the Law of Scotland, Tenth Edition § 979.

subject which otherwise might have been prevented *e.g.*, to use a road. Positive servitudes, may be constituted either by express grant or by prescription (*i.e.*, by uninterrupted possession during forty years.)

A negative servitude enables the dominant owner to restrain the owner of the servient tenement from making the fullest use of his property, *e.g.*, a servitude of light whereby the owner of the servient tenement is prevented from building in such a way as to obstruct the lights of the dominant tenement. Negative servitudes can be constituted only by grant.

The commonest forms of servitudes are :

(1) Those relating to houses or buildings—as the servitudes of light, of prospect, of support.

(2) Those relating to lands or other rural subjects—as a servitude of road or passage, of aqueduct, of pasturage, and of watering of cattle.

In certain cases the development of property is unduly interfered with through the existence of such servitudes as those of light and prospect even though the servitude may be of little or no use to the owner of the dominant tenement and the owner of the servient tenement may be willing to pay him reasonable compensation. The dominant owner being in a position which enables him to refuse absolutely his consent, sometimes holds out for an exorbitant sum, and prevents a desirable improvement from being carried out. Other cases of unreasonable servitudes also occur for which there should be provided a means of settlement on an equitable and inexpensive basis.

This necessary means of redress by an independent authority would be provided by the right to appeal to the Land Court or Government Department, who should have power to extinguish, with compensation, servitudes which prevent the reasonable improvement of property, and the extinction of which would not cause undue detriment to the person entitled to the servitude ; or to vary or otherwise deal with the servitude on a fair and equitable basis.

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CHAPTER XXIII.

BUILDING LEASES OF NINETY-NINE YEARS, ETC.

As already remarked, building leases of short duration (99 years and under) are met with in some localities but they are not common in commercial and industrial centres. In some rural villages and fishing communities, also, especially on the north-east coast, it has been the custom to erect dwelling houses on land held without any written title which legally imports a lease from year to year only.

As is well known, the buildings erected upon land held on lease in the absence of an express stipulation to the contrary become part of the heritage and belong to the owner of the ground upon the determination of the lease. In the case of leases of nineteen, thirty or ninety-nine years where the lessee makes considerable improvements and erects buildings, it is felt to be a great injustice that the whole of this added value should ultimately pass to the owner of the ground as in the ordinary case of the termination of a lease in England. On the renewal of the lease the tenant has either to make a capital payment or submit to an increase of rent or possibly to both. If, on the other hand, he arranges for the conversion of his lease into a feu, the negotiations necessarily proceed on the footing that the buildings are in the complete legal ownership of the lessor, even although the tenant himself has erected them entirely at his own cost.

As this system of tenure is not very common in Scotland, it is felt to be the more unreasonable where it in fact obtains. There are instances where industry has been handicapped under this form of tenure. The following, for example, are a few cases :

Paper Mills.—The mills were held on leases of nineteen years' duration. At the adjustment of each successive lease more onerous conditions were imposed by the landlord. The exigencies of the trade requiring further capital outlay, the tenants approached the landlord in 1880 for an extension of the then existing lease, which expired at Martinmas, 1888. The tenants at the same time offered an increase of £200 per annum on the rent of £810 then paid. The landlord, however, stipulated for an increase of £405, being a rise of 50 per cent. on the old rent. Negotiations were then ended. Five years later the tenants again endeavoured to arrange matters, but the landlord declined to modify his terms. At a later stage the proprietor offered to feu the property for a capital payment of £8,000 and a feu duty of £450 per annum, to which figures the tenants agreed, but the proprietors' agents insisted upon inserting in the feu disposition a number of conditions which the tenants could not accept. The tenants then offered to continue as yearly tenants, with two years' notice on either side to terminate the tenancy and at the current rent of £810, but the proprietor would not agree to this. Some time afterwards informal negotiations were entered upon to purchase the property. The proprietors demanded a price of £20,000, which the tenants were advised was excessive. The tenants therefore had to remove their works, and the mills have since stood empty. After they left a considerable number of people had of necessity to leave the locality.

As another example of the hardship involved, the case may be cited of a limited company, which had a lease of an area of ground situated on the banks of the Forth and Clyde Canal. The only terms upon which they could get ground was that they should remove on six months' notice with power to take down the buildings. This company spent on buildings £2,400, on fixed plant £2,000, a total of £4,400. The company went into liquidation, and the liquidator now finds that this property is unsaleable except at a great sacrifice.

The ground in this case is part of a very large area in the neighbourhood of Glasgow, situated on the canal banks and particularly suitable for industrial purposes, but the whole area, with the exception of the ground built upon by the company above referred to, is lying waste on account of the stringent conditions.

The position in Carluke also illustrates the evils of the leasehold system.

The greater part of Carluke is built on the estate of ——. Up to a few years ago building land upon this estate could only be

obtained on 99 year leases. These leases have begun to fall in. Valuable properties, including business premises in the main streets, have been built on leasehold ground, and in the course of a few years many of these leases will come to an end.

The result is that towards the termination of leases buildings are allowed to fall into a state of dilapidation. The system is reported to have seriously hindered the development of the district. Carlisle would form a very suitable residential quarter for persons employed in the industrial centres of Wishaw and Motherwell (two towns in which the housing difficulty is very acute).

It appears that the rate at which the land was leased did not differ much from the ordinary feuing rates. The rate in recent years for leases was 2s. 6d. per pole (or £20 per acre) per annum, while the rate at which the superior now feus ground is 3s. per pole (£24 per acre) per annum.

The leasehold system where it exists tends to accentuate the problem of defective housing and slums, as buildings are allowed to fall into disrepair towards the expiry of leases. In Wick, for example, in some of the older districts the properties have been built on leasehold land. When the lease expires the property is frequently put up for sale by the ground landlord. Towards the termination of the lease the properties are allowed to fall into disrepair, and a large proportion of slum property is on leasehold land. In 1902 when the Town Council were seeking powers for the extension of the burgh boundaries the slum area of Louisborough was described as follows: "The district of Wick called Louisborough was granted on 99 year leases. These have been falling in gradually during the past ten years and as they began to fall in the houses were allowed to decay." The same effect is produced in Lanarkshire and other areas where 99 year leases are found. The result is bad housing and delay in its replacement by better housing.

In other cases buildings have been erected upon ground held upon tenancy at will and without any written title. This is not confined to the rural villages and the fishing towns on the north-east coast, but cases of it are found also in the south, for instance in Leadhills, a mining village in Lanarkshire.

What happens in these cases is that the tenant builds the house at his own cost without securing any feu or lease and without having any proper legal title to the house.

In various cases where these leases occur the landlords are willing to convert them into feus. There is a general desire that this facility should be extended and made available in every case. Where the lessor and lessee failed to agree as to the feuing rate, etc., there should be an appeal for its settlement by an impartial authority. This should be secured by statute, thus giving the lessee in every case security of tenure.

The consideration to be paid by the lessee, whether in the form of a capital sum or an annual feu duty, could be easily settled.

The law limiting the power of various classes of persons and bodies to lease and sell land should be simplified and amended.

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CHAPTER XXIV.

FEUING RATES AND FEU DUTIES.

Section I.—RATES AT WHICH BUILDING LAND IS FEUED.

In addition to the restrictions under which land is feued for building an even more important factor is the price at which it is feued. An insistence on feuing rates which are unreasonably high acts as a partial prohibition to reasonable access to land and in restraint of the normal development of the locality.

As already explained, owing mainly to the prevalence of tenement houses in the towns, the tendency is for the price at which land is feued to be high. The following statement, for example, by one of the leading solicitors in Scotland may be quoted :

The price of unbuilt ground is controlled by the price of tenements already built. The latter are sold according to rental, without reference to the intrinsic value of the site. There may be a feu duty or there may not, but this does not affect the price of the tenement. It is matter of calculation what proportion of the price is to be attributed to the land, and the higher the rental the larger the proportion which is so attributed. If the price worked out at £400 or £500 an acre this determines the price of unbuilt land in the neighbourhood, and the builder can quite well afford to give this price. It has to be kept in view that in tenement property even with a feu duty of 10s. per square yard a very small portion of the rental is attributable to the feu duty. Not more than one-tenth of the rent represents site. In the case of a £10 rent £1 represents the cost of land, so that even if the price of land were reduced by one half the only effect upon a £10 rent would be to make it £9 10s., and upon a £20 rent to make it £19.

The cost of tenement land depends upon fashion. If the custom of living in tenements disappeared the price of land would fall,

and would be in proportion to the rent which would be earned from the house built upon it. Tenement property can afford to pay a higher rate of feu duty than single cottages, because the annual return is very much greater, but in neither case does the cost of the land form a substantial part of the rent. In the ordinary case of terraced houses the cost of site represents about one-twentieth, and in the case of cottages about one-fifteenth, part of the rent.

In this way largely owing to the prevalence of tenements very high prices are charged on the borders of Scottish towns for access to land.

It should be noted also that although the portion of the rent of a tenement house which is attributable to the value of the land may be small, this does not imply that the cost of land is a negligible factor in the provision of housing accommodation; because the houses have been crowded together for the very purpose of reducing the element of land value as much as possible.

Section II.—EXTRACTS FROM REPORTS.

The following instances taken at random from some of the Reports are quoted in order to give a general indication of the rates of feu duty prevailing in different localities and the prices which are asked for building land.

EDINBURGH.—(1) About twenty years ago the firm of ——— endeavoured to obtain a feu of 6 acres of land at £110 per acre per annum, but failed. The ground remained unbuilt on for ten or twelve years, yielding a rental of only £10 or £12 per acre. The same firm fourteen or fifteen years ago, when offering £40 to £50 per acre per annum for 8 acres, were told that the ground was not ripe for feuing. This ground is still agricultural land, bringing in not more than £6 per acre of rent.

About fifteen years ago they obtained a feu of 5 acres of ground at £110 per acre per annum, but only on condition that a considerable number of tenements were erected on part of the ground as a security for payment of the feu duty.

(2) Messrs. ——— have 3 acres in feu taken within the last fourteen years at £50 per acre per annum. Before the ground was feued they had part of the ground let to them at £5 per acre per annum. Prior to erecting their factory they approached one of the adjoining proprietors who asked £200 per acre per annum of feu duty. Another adjoining proprietor asked £50 to £60 of feu duty.

GLASGOW.—, *Buchanan Street*.—This building in Buchanan Street fell down some years ago, and only a ruin remains. The site contains about 340 square yards of ground. The frontage to Buchanan Street is 47 feet, depth 65 feet. There are no ground burdens and no building restrictions. The factors for this property have asked £11,000. As the buildings at present on the ground are valueless, this is the so-called site value, and works out to about £156,600 per acre of capital value. The buildings are at present assessed at a rent of £30.

With reference to this site, a leading Glasgow solicitor with a large practice in property states that "if it were a little further down the street double the price would be readily paid."

GOUROCK.—Probably no town in Scotland ends more abruptly than Gourrock and Ashton.

Beyond Ashton there are scarcely any houses as far as Inverkip—four miles from the burgh boundary. The explanation is that one estate ends with the last villa, and the former superior of the land from there to Inverkip was unwilling to feu for small houses. Several times negotiations have been begun, but have always fallen through. It is reported that the Admiralty representatives interviewed the superior with a view to opening out a section of this land immediately beyond Ashton, but the negotiations broke down.

On the shore road in the middle of Ashton a small property was recently covered with tenements. It consisted of old feus, and all the superiorities had been redeemed. It was bought outright for £8,000. The ground extended to 4½ acres. This price represented £800 per acre—capital value after allowing for old houses retained.

PAISLEY.—For ground suitable for shops and four-storey tenements in the main thoroughfares the feu rate varies from about 30s. to £2 (or in some cases much higher rates) per pole, or £240 and £320 per acre per annum. In side streets suitable for tenements only the feu is about 10s. per pole or £80 per acre per annum.

On the — Estate the feu duty is about £60 per acre.

PORT GLASGOW.—Average feuing rate is £40 to £56 per annum. In some cases £100 per acre has been charged.

About eighteen years ago ground along the south side of — Road was feued at £40 per acre for semi-detached villas. Later smaller houses have been built at rates ranging from £16 to £28 per acre.

GREENOCK.—The general feuing rate for business and commercial purposes during the last half century has been 6s. 6d. to 8s. a pole. In some cases 8s. 6d., 8s. 8d., up to 10s. have been charged—i.e., £68 to £80 per acre per annum.

In 1891 the rates were 7s. to 8s. per pole of 30½ square yards—equivalent to an annual feu duty of from £56 to £64 per acre per annum, representing at twenty-five years' purchase £1,400 to £1,600 per acre of capital value.

KIRKCALDY.—*Recreation Ground.*—For many years there has been a demand for a Public Recreation Ground for children. The Town Council approached the landowners with regard to ground at ———, extending to about 10 acres. The price demanded was £400 per acre or feu at £16 per acre per annum. The price was considered prohibitive.

GOVAN.— — *Works.*—The extent of ground is 12 acres. It was purchased in 1887 at a price of £500 per acre. It was then bare agricultural ground. The ground has now been practically covered with industrial buildings. Some years ago, to avoid heightening existing buildings or building too closely together the adjoining proprietors were approached on the subject of the acquisition of adjoining ground. The price then indicated was more than double the original price and no further negotiations took place. As a consequence the existing buildings are in various parts being heightened as the only available means of development. Recently a small additional plot of ground adjacent to the works was purchased at over £1,300 per acre.

The following few examples illustrate also the variations in the prices at which land is available at different periods.

EDINBURGH (Heriot Trust Feus):

In 1862 the Heriot Trust feued for works at £25 per acre.

In 1892 the Heriot Trust feued for works at £80 per acre (actual feu duty, £40).

In 1900 the Heriot Trust feued for works at £120 per acre (actual feu duty, £15).

In 1905 the Heriot Trust feued 16 acres at £60 per acre—price £24,300 being 25 years' purchase—for cemetery.

In 1871 for self-contained houses, £148 10s.; for tenements £249, £127 and £190 per acre per annum.

In 1881 for tenements £183 10s., £198 to £309 and £254 per acre per annum.

In 1891 for tenements £615 per acre per annum one feu only (feu duty £80 8s.)

In 1906 for self-contained houses, £80 per acre; for villas and gardens, £50 and £51 per acre; for tenements, £189 per acre.

GLASGOW.—In the Scotstoun District land which was rented at about £2 per acre for farm purposes was feued at £80 per acre, and now after extension of the tramways has risen to £100 for front sites.

The Glasgow Corporation paid £29,000 for 82 acres of land at Tollcross for a public park, and the adjacent land, of which there was about 12 acres in the neighbourhood of the park rose from £350 to £500 per acre; and two years afterwards it was stated in the Town Council that the price of this ground had risen to £1,250 per acre. (Evidence of Ex-Bailie Peter Burt before Select Committee on Land Values (Scotland) Bill, 1906, p. 220).

CLYDEBANK.—In 1882 — Company bought 27 acres, 3 roods, 7¹/₁₆ poles for £9,100 or roughly £325 per acre.

In October, 1912, the — Society bought 2.026 acres for £3,250 or roughly £1,625 per acre.

On the outskirts of the Burgh, there is a large tract of land presently let for farms. When wanted for feuing for building, the proprietors are asking £30 to £40 per acre per annum, at which price it only pays to build tenements and there is a growing demand for cottage houses. This land is at present rented at about £2 per acre per annum.

Land in the suburbs is presently being sold at £750 per acre or feued at the equivalent feu duty of £37 10s. In 1871, this land would be rented at about 30s., per acre per annum and this is still about the value of the ground where used for agricultural purposes.

Feus have gradually risen from a few pounds in 1871 to £16, £20, £30, and even up to £40 per acre per annum.

PAISLEY.—The new suburbs are all of comparatively recent growth. The feu duty runs from £28 to £40 per acre, and feuars have to pay their share of the making of roads and drains.

In — the feu duty rate about twenty years ago was about £20 per acre, but has gradually risen with new feus to over 5s. per pole or £40 per acre.

Section III.—FEUING RATES AND FEU DUTIES.

The feuing rates quoted in the previous section are generally in respect of land being developed on the outskirts of towns, and are in no way indicative of the price of central sites. The value of central sites is invariably much higher though the actual feu duty payable in respect of the site may be small, the feu having been granted many years ago. In some cases, however, where land has been feued in central areas in recent years for working class dwellings very high feuing rates have been obtained. In Edinburgh, for example, tenements of working class houses have been erected on land feued at as high as £500 and £600 per acre per annum.

It is generally assumed in economic discussions that the price of land is a residual quantity depending on how much can be paid after other costs have been met. This, it should be noted, assumes fluctuations in the cost of land inversely as fluctuations in other costs, *e.g.*, cost of building; and with these last showing a large increase within recent years while the purchasing power of the working classes has remained almost stationary, a general diminution in the feuing rates would be expected in accordance with the theory. Though there have been changes in particular localities due to development of transit, change of fashion, etc., there has not been a general marked reduction in the rates at which land has been feued. This is to be distinguished from changes in the market for developed properties where other causes operate, and where there have been considerable changes. The evidence clearly shows that this inelasticity in the price of unbuilt land is directly connected with the tendency of owners of unbuilt-on land to fix the price at which they will part with it less in accordance with the immediate circumstances of supply and demand than on the basis of the average price that has been obtained for similar land for building in the vicinity.

It should be noted also that, although feu duties are held, by the superiors of the estates on which they were granted they are also a form of investment for trust funds.

As the feuar is obliged under his feu contract to erect, maintain and insure against loss by fire buildings of a specified kind and capable of yielding a rental much in excess of the feu duty, feu duties are regarded as a particularly safe kind of investment. Feu-duties and also ground annuals (*i.e.*, the right to exact payment of the feu duty or ground annual) are bought and sold as trust securities and are held largely by charitable, religious, educational and provident bodies; for example, the United Free Church holds feu duties and ground annuals of the capital value of £150,000. They are considered particularly suitable investments for Trusts of a continuing character.

The following note refers to sales by public roup of feu duties and ground annuals in Glasgow during 1913 (*Glasgow Herald*, January 6th, 1914).

The attention paid to ground rent securities during the year showed considerable activity, and compared with last year the improvement in the volume of business was very marked. The highest and lowest prices obtained in 1912 for feu duties were respectively 24½ and 17 and for ground annuals 23½ and 16 years' purchase. Last year the highest feu duty was 24½ and the lowest 20½, while the highest ground annual was 24½, and the lowest 20 years' purchase.

As in the case of other first-class securities the capital value of these ground rent securities has fallen within recent years. Fifteen years ago a price of 30 years' purchase could be obtained as against about 24 years' purchase now. During the same period the fall in the capital value of other Trust Securities such as Railway Debentures, etc., has been in at least as great a proportion.

CHAPTER XXV.

LEASING OF ORDINARY BUSINESS PREMISES, SHOPS WAREHOUSES, ETC.

Section I.—GENERAL.

A shop is usually taken by the occupier on a lease of three, five or seven years, and it is customary for the owner of the building to make the structural and other alterations necessary for its occupation by the tenant. Unless his lease is for a longer period it is unusual for the tenant to make structural alterations at his own expense.

An injustice which arises under the system is the increase of the tenant's rent at the end of successive leases. The point is that a successful shopkeeper who is developing a business on the site is acquiring a goodwill as a result ; and he hesitates to leave though his rent is increased. It may be impossible for him to transfer his business elsewhere, and he may submit to have his rent raised on the goodwill created by his own efforts rather than refuse to enter into a new lease. .

We wish to make it clear that we do not suggest that a shopkeeper should not pay such additional rent as may be due to a general increase in the value of property in the street or the locality. Our criticism is directed to those cases where an individual shopkeeper is asked to pay a rent increased arbitrarily and unreasonably in respect of his premises quite out of proportion to the increase in similarly situated and similarly occupied premises in the neighbourhood. Where the increased value of the shop is due to the occupier's own enterprise and industry and the owner of the building has in no way contributed to it, we are of opinion that the owner

is not entitled to exact an increase in rent corresponding to the increase in value. To do so is not only to inflict an injustice on the individual shopkeeper, but also to impose a restriction on the commercial development of the community.

The cases of injustice arising are not so frequent or so outstanding as those which are caused by the 99 years' leasehold system; but they are sufficiently acute to demand a statutory remedy.

Section II.—EXTRACTS FROM REPORTS.

The following cases illustrate the way in which tenants of business premises may suffer very serious hardship on the expiry of their leases.

(1) GLASGOW.—Original premises, — Street. Occupiers found that rent there tended steadily to increase with every real or supposed increase in the business.

They looked at a property at — consisting of an old dwelling-house getting into a state of dilapidation. Landlord refused to make any improvements but offered a ten years' lease at £110, rising to £120 with permission to make the improvements.

Spent over £1,000 in making the improvements and entered upon tenancy in —. Four years later they took over part of another flat at £50, making total rent £170 and expending £100 more in structural improvements.

In — they were offered a new lease of five years at £250 for first three years and £300 for remaining two years.

(2) Shop in — Street. Rent originally was £180, gradually raised to £250. Ultimately owner of building demanded £350 and on this being refused the shop was let to the firm's former shop manager.

(3) Shop at — Street. Rent was raised from £180 to £290, and thereafter to £350. For extended premises the rent is at present £560 per annum on a five years' lease, which expires shortly. Notice has been given the tenant that the rent will be increased by £190 to £750.

(4) Shop in — Street. It was an old established Restaurant business. Rent was £500. At termination of lease proprietor wanted to increase the rent. The tenant offered £750 and the landlord demanded £1,020.

The tenant removed to shop in — Street, in the vicinity but failed to carry the business with him, and in a few years became bankrupt.

(5) — Street.—This shop was a Licensed shop. The property was bought by — who claimed such an exorbitant rent that tenant rented another shop in the vicinity and applied for a licence. He withdrew both applications. The Magistrates realising it was a case of rack-renting took away the licence from the property. Shop then remained empty.

(6) Ten years ago we bought this business and arranged a lease with the landlord at a rent of £230. We made great improvements on the premises at our own expense.

A year before our lease expired we wanted to enlarge the kitchen and add good lavatory accommodation, for which, of course, we had to get the permission of the landlord. Before making the alterations we naturally wished an extension of the lease.

After negotiations the rent was raised from £230 to £299, and we were taken bound to carry out the addition of lavatory accommodation in the sunk flat of the premises and to spend not less than £70 thereon for an extension of the lease for seven years.

The valuation of the premises for license duty purposes under the Finance Act, 1910, is £250 per annum.

(7) I commenced business in a single-windowed shop in —, in —, the size of the shop was about 10 feet wide by 18 feet long. I took a lease of it for six years, the first four years the rent was £200, the fifth year £225, the last year £250, during which time I did well with sheer hard work, closing at 9 o'clock week nights and 11.30 on Saturdays. Then came a renewal of lease for another six years, which was to be for the first two years, £250; next two years, £275; next two years, £300—making the rent in the space of eleven years £100 more, or a rise of 50 per cent.

DUNFERMLINE.—, rented a shop at £60 per annum or a twelve years' lease. The lease expired, and he continued as a yearly tenant. In February of the following year the landlord intimated that from Whitsunday the rent would be £90. This rent was considered prohibitive by the tenant, but he offered to agree to an increase of £5 as he expected slightly better trade, owing to the Naval Base operations. The landlord refused, and advertised the shop "to let." The tenant vacated after a tenancy of twenty-five years, and after having built up a sound business.

Section III.—THE PROTECTION OF THE VALUES BELONGING TO THE TENANT.

We consider that where a tenant of business premises desires to continue his tenancy on the expiry of a lease and fails to come to an agreement with the landlord, he should have the right to appeal to an impartial authority. This authority should have power to decide (1) whether the tenant should have the right of renewal, if so (2) at what rent and upon what conditions, and (3) the period of extension, or (4) alternatively if the landlord's refusal to renew the tenancy is upheld to award the tenant compensation for loss of goodwill, etc. To prevent any abuse of the right there should be power to award expenses against a party making an unreasonable application.

We want to make the position very clear so as to avoid misunderstanding. It is not the fact that in the majority of cases tenants are subject to have their rents raised on their goodwill. Among other reasons it is not always possible to do so. In the case, for example, of suburban shops there is sometimes on the one hand a difficulty experienced by the landlord in getting tenants for shops, and on the other hand more opportunities are available for shopkeepers to get alternative premises in the immediate neighbourhood. The fact, however, that injustice and the expropriation of a tenant's goodwill does not occur very frequently, is no reason why a remedy should not be available where it can and does occur. In the more busy parts of towns the opportunities for its occurrence are greater and we are satisfied that, for the securing to tenants of their rights to capital values created by themselves, a statutory remedy should be available.

We think, therefore, that tenants under these leases should have a statutory right to an extension of the tenancy for such terms and on such rent and conditions as failing agreement should be settled by an impartial authority.

This right, we think, should be subject to a condition that where the owner of the building desired to resume occupation in order to utilise it himself or for fairly proved purposes of

greater utility or of greater public advantage, he should have such right of resumption on satisfying the impartial tribunal.

In such cases, however, the tenant should be entitled to compensation, where he was desirous of obtaining an extension of his lease, for unexhausted improvements made by him suitable to the character of the building or made by previous tenants without valuable consideration from the [property owner which clearly add to the letting value of the premises to an incoming tenant and also in respect of loss of goodwill under similar circumstances.

The object is to secure the tenant in value created by himself or his predecessors and to prevent this value being expropriated improperly and without any justification by the property-owner. On the other hand, there is no intention of saddling the property-owner with unreasonable claims for compensation. The elements for which compensation is to be paid are such as the tenant or his predecessors have attached to the premises without receiving consideration in respect of them from the property-owner; and such as, in fact, the property-owner is expropriating from the tenant, and for which he can receive an increased rent from an incoming tenant.

The precedent for this is well known in the country and is furnished by the Small Landholders (Scotland) Act of 1911. There is also the Town Tenants (Ireland) Act, 1906, which provides *inter alia* that in regard to buildings occupied wholly or to a substantial extent for business purposes, where the landlord refuses without good and sufficient cause to grant a renewal of the tenancy, or an increase of rent is demanded as a result of the tenant's improvements, so that the tenant quits his holding, the tenant shall, in addition to compensation in respect of improvements, be entitled to compensation for loss of goodwill and unreasonable disturbance.

This right to a renewal of the lease necessarily involves a power to fix the rent at which it is renewed. We do not anticipate, however, that there will be a very great number of cases arising for settlement by the impartial authority, as

the presence of this remedy will no doubt operate to expedite reasonable agreement between tenant and property-owner.

As under these short leases it is not common for large structural improvements to be made by the tenant (unless an undertaking by him to make these forms a material part of the consideration on which he takes his lease), it is clear that the principal element in a dispute between tenant and property-owner as to the rent on which a lease should be renewed is in respect of increasing the rent on the tenant's goodwill, and it is not difficult in such cases to discriminate such arbitrary increase. Speaking generally, the rents of similar neighbouring premises give an indication of what is the normal rent and if the property-owner is demanding a rent increased considerably beyond this, the onus rests on him to substantiate his case. Unless this can be done (*e.g.*, as in the case of a corner shop more advantageously situated than the neighbouring shops), it is not difficult to arrive at a fair rent. Such portion of an increased annual value as was due to the nature of the locality (*e.g.*, a situation in a busy shopping or commercial street where values of all business premises are increasing), is properly attributable to the property-owner. Relief would not be given to the tenant in respect of this general increase in value. The relief to which he is entitled is in respect of the value created by himself or his predecessors.

Power should also be given under the same procedure for the settlement of other disputes between tenant and property-owner and for the removal and variation of unfair conditions or restrictions (*e.g.*, restrictions against sub-letting, assignation, etc.), contained in the lease or agreement under which the tenant holds. •

Of course, the tenant, in order to establish his right to a renewal, would be required to be a good tenant and conform to the reasonable obligations imposed upon him, such as paying his rent and fulfilling the other reasonable conditions of his tenure, in accordance with the same general principles as are applied in the case of a rural tenant under the Small Landholders Act.

The procedure suggested is not one to transfer to the tenant

any value which belongs properly to the property-owner. On the other hand, it is no less fair that the tenant should be fully secured in the value which he has created and which belongs properly to him.

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CHAPTER XXVI.

MINERAL LEASES AND WAYLEAVES.

Section I.—MINERAL LEASES.

We have also evidence that the landowner's monopoly power sometimes is a cause of hardship to mineral tenants, and that the conditions inserted in Mining Leases are not infrequently of a burdensome and inequitable character, and are calculated to restrict the free development of the mineral field. Amongst others, the conditions relating to short workings, breaks, warrandice, assignation, the use of land required for plant and buildings in connection with the working of minerals and spoil beds, give rise at times to friction between the mineral tenants and the landlord, and are harshly enforced.

According to the Return for 1912, the output of coal and shale in Scotland was 39,518,629 and 3,184,826 tons respectively, and the amount of fixed rent and royalties payable in respect of them was £877,789 and £75,560 respectively.

Space does not permit of full discussion of the question of Mineral Royalties and their effects upon the production of coal, and of steel and iron, etc., in this country, upon the remuneration of labour and upon the price charged to the consumer. The maximum, minimum and average rates of royalty charged per ton are, in Lanarkshire, 1s. 4d., 3d. and 7d. respectively; in Fife and the Lothians 1s. 2d., 3d. and 6d.; while, in the case of gas coal, the rate is much higher, rising to 3s. 6d. a ton. The rates levied in Scotland, as in the United Kingdom, are greatly in excess of those paid on the Continent. Having regard to the heavy charge thereby

imposed upon the production of steel and iron and upon other kindred industries, these rates constitute a severe handicap upon many of our industries which are in competition with foreign imports.

Mineral tenants have to make a very large initial expenditure of capital in sinking shafts, erecting buildings, machinery, houses, etc., and in laying branch railways and sidings. On the expiry of their leases they are often placed in a very disadvantageous position when negotiating for a renewal. They are faced with the alternative of agreeing to the landowner's terms or sacrificing the large capital which they have laid out in developing the workings. The following example illustrates the difficulty :

Case of — Collieries.—Messrs. — had worked the minerals under a lease of nineteen years' duration, which expired about seven years ago. The minerals were leased at a royalty rate of 6d. a ton.

The Colliery was a large one, and prior to 1906 it had an output estimated at an average of about 1,000 tons a day. About 600 men were employed in or about the pits, and it is estimated that the capital sunk in the pits and buildings amounted to well over £200,000. It was an exceptionally well equipped and progressively managed colliery.

Prior to the conclusion of the lease, the proprietors offered to renew it at the increased lordship of 10d. per ton. The lessees, however, declined to pay that figure, and although negotiations proceeded for some time between the parties, it was impossible to come to an arrangement. Attempts were then made by the proprietors to obtain fresh tenants, but none of the coalowners in the county would take a lease of the minerals at the rate asked for by the proprietors. Accordingly no tenant could be got. At the expiry of the lease the proprietors declined to take over the plant and buildings at a valuation, and insisted on the whole subjects being cleared. Among other buildings there had been erected on the ground 76 houses with a store annexed. These were put up for sale by the lessees, on condition that they were to be taken down if insisted on by the landlord, and various intending purchasers went to the proprietors in an endeavour to get permission to retain them on the ground, even on payment of a large feu duty, and it is believed that the 76 houses and store could have been rented at a large sum besides the feu duty. Permission was steadily refused. Accordingly the houses were sold and taken down with the exception of one.

where one of the occupants was too ill to be removed, and that house with some slight alteration remains to this day the sole relic of the occupancy of the old pit. The rails and plant were drawn from the pit, the surface was cleared, and the shaft was blown up. Over 600 men were thrown out of employment, and considerable distress was caused in the district. In addition, the loss of employment to so many men caused a great loss to house proprietors and shopkeepers in the neighbourhood.

Some eighteen months after these events the — Company, Ltd., took a lease of the minerals, it is believed, at the old rate of 6d. per ton. This Company filled up the old shaft, resunk the pit, and now employ over 700 men.

In such cases it is obvious that the tenant may be forced either to pay a rent on his own expenditure or to sacrifice that expenditure. He is therefore entitled to a remedy similar to that suggested in the case of the tenant of business premises. Besides the question of the royalty there are often other conditions of a burdensome nature in mining leases. Provision should be made for providing a variation of these or relief from them on equitable terms by the judicial authority.

The Royal Commission on Mining Royalties reported (C. 6980, 1893):

That some remedy should be provided for cases in which a lessee might be prevented by causes beyond his own control from working the minerals he had taken, and also for cases of certain restrictions upon the assignment and surrender of mineral leases.

Section II.—WAYLEAVES

By "Wayleave" is meant the "liberty to make and use, or to use (as the case may be), a road or way" through land which does not form part of the lease. Wayleaves are usually either (1) underground wayleaves or (2) surface wayleaves, the latter of which are the more important by far and are generally required for the purpose of carrying minerals beyond the limits of the property from which they have been brought to a public line of railway or place of shipment. The development of minerals is sometimes seriously hampered by the difficulty of obtaining wayleaves upon reasonable terms.

There are cases where a mineral field is suitable for development and the proprietor is willing to give a lease upon reasonable terms, but to bring the minerals to a convenient public railway, canal, or port it is necessary to obtain a wayleave over or through a neighbouring proprietor's lands. If the proprietor takes up an unreasonable attitude, and either refuses to grant a wayleave or stipulates for too high a rate, the whole development is stopped. There is also the case of a mineral tenant who has been working a seam for some time and finds that the future profitable working of the seam requires that it should be taken out by some other route. Having already expended a large amount of capital in the undertaking he is thus sometimes forced to pay an excessive rate for wayleave.

Where owners of minerals or their tenants are unreasonably debarred from obtaining access to the nearest or most convenient railway, canal, or port, or from obtaining underground wayleaves on fair terms, there is certainly a strong case for intervention in their interests. It is suggested that where an agreement is not come to the aggrieved parties should have the right to appeal to an independent authority which would determine what wayleave, if any, should be granted and generally fix the terms.

So far back as the year 1893 this subject was considered by the Royal Commission on Mining Royalties. The third conclusion of their report issued in that year is in the following terms (C. 6980, 1893) :

As regards wayleaves, we are of opinion that owners of mineral property unreasonably debarred from obtaining access to the nearest or most convenient public railway, canal or port on fair terms, or from obtaining underground easements on fair terms, ought not to be left without remedy, and we have made certain suggestions with that object.

Among the suggestions referred to were the following :

We think that all applications for relief in such cases ought to be made to a judicial tribunal, which might be trusted to have a due regard to the existing rights of the owners of property over or through which passage for minerals is required, the usual charges for wayleave prevailing at the time in the district if not unreasonable, and the relative and respective rights of proprietors and leasees of the mineral property requiring the wayleave.

We have not attempted to formulate the rules by which such a tribunal should be guided, because it appears to us that if the constitution of the tribunal is such as to command public confidence, if its proceedings are public, and if it is armed with all necessary powers, including the power of local investigation, a wide discretion ought to be committed to the tribunal. . . . We may add that we think if such a remedy as we have suggested were open to persons who conceived themselves to be aggrieved by the unreasonable refusal of facilities for the passage of minerals, difficulties would be readily arranged by private agreement, and that only in very rare instances, if ever, would it be necessary to have recourse to compulsory proceedings.

We consider that the remedy we have suggested should be available as regards wayleaves generally. The difficulties met with are the same in the case of other wayleaves.

CHAPTER XXVII.

EXPENSES OF TRANSFER OF LAND AND BUILDINGS.

The high cost of transfer of heritable property is generally regarded as a serious hardship by those dealing in such property, and it has a material effect in increasing the cost of houses. The cost of transfer includes (a) the stamp duty; (b) dues of registration of title deeds in the public registers, expenses of searches in the registers, and legal charges in connection with the drawing up of the necessary deeds.

(a) The increase of the duty from 10s. to £1 per cent. has been felt to be a very serious grievance by all people interested in heritable property, and there seems no reason why the duty on a transfer of land should be double what it is on a transfer of stocks. It is reported generally that the legislature ought rather to encourage the transfer of land and particularly the purchase of small houses.

A suggestion commonly made is that the duty on transactions of less than £500 (at present 10s. per cent.) should be reduced to 5s. per cent. and that the duty on larger transactions should be 10s. per cent.

(b) The expense is also materially increased in consequence of the fact that deeds which are generally of considerable length have to be drawn up and recorded in the Public Registers; and that these Registers have to be searched for any incumbrances affecting the property. In an average case, for example, the expenses in connection with the purchase of a house at a price of £550 would amount to about £22 to £25 borne in practically equal proportions by seller and purchaser. This estimate includes the stamp-duty, dues of

recording and cost of search, but not any commission payable to property agents for the purchase or sale.

If the purchaser requires to borrow part of the purchase price on the security of the property he may have to pay about £10 more in expenses.

In addition to the reduction of the stamp-duty a great saving in expenses would result if simpler and shorter forms of title-deeds were in use, and also if a scheme for the registration of title were introduced instead of the present system of recording each deed at length. The full discussion of these questions involves technicalities of legal conveyancing, which cannot be discussed in detail here, but we are satisfied that a great deal of unnecessary labour and expense is involved in examining, drawing-up, copying and re-copying lengthy documents in connection with practically every transaction for the transfer of land. While the labour and expense may not appear unreasonable in the case of the transfer of a valuable estate, it is, relatively, out of all proportion in the case of the transfer of a small house.

HOUSING.

INTRODUCTION.

WITH the object of keeping the vast amount of evidence there is on this part of the subject within as manageable bounds as possible, it will be dealt with under the following heads.

The headings refer to existing housing conditions.

Chapter XXVIII.—*Facts* as to these conditions.

Chapter XXIX.—*Results* following from these conditions.

Chapter XXX.—The *Causes* producing these facts and results.

Under this heading are discussed such questions as :

The relation of wages to rents.

The cost of construction.

The burden of the rates.

The cost of land.

The inability or unwillingness to enforce the existing law.

The shortcomings of occupiers, owners, etc.

Chapter XXXI.—The unoccupied houses.

Chapter XXXII.—Miners' houses.

Chapter XXXIII.—Remedies.

Chapter XXXIV.—Existing powers of local authorities.

CHAPTER XXVIII.

FACTS AS TO EXISTING CONDITIONS.

Section I.—HOUSING CONDITIONS IN THE TOWNS.

As already remarked, the crowding of a dense population within a very limited area is a feature of the principal towns.

The small tenement house is the most common form of house in the towns.

The normal house is the two and three-room tenement dwelling, containing a kitchen, a bed-sitting-room and, where there is a third room, a smaller bedroom. The rooms are generally large, and usually provided with a bed-recess providing accommodation for a double bed. In many cases there is a bed-recess in each room. Entrance is through a close and a common stair, and, as a rule, each tenement has a common wash-house and drying ground.

The table given below (pp. 350-1) shows (among other things) the prevalence of these houses of two and three rooms.

The following few extracts from reports give typical particulars of the housing accommodation in the towns :

GLASGOW.—The typical working-class dwelling is the "room and kitchen" house in a four-storied stone tenement building, with two, three or four tenants on each floor. There is a bed-recess in both the kitchen and the other room. Where the dwelling has three rooms the third room is a bedroom and is usually smaller. In many cases there is a small scullery, a water-closet and a pantry in each dwelling ; but in other cases, especially older properties, there is one water-closet for each floor. The common stair gives access, and at the rear of the tenement there is usually a small courtyard in which stands a wash-house for the common use of all the tenants.

EDINBURGH.—The most common types of dwellings for the artisan and working-class population are two- and three-room houses in stone tenements of three or four stories. There are usually three houses on each floor, and access is by the common stair. A "room" and kitchen (with a bed-recess in each) are the accommodation usually contained in a two-room house. Where there are three rooms in the house, the third, a bedroom, probably without any recess, is usually smaller. There is water-closet accommodation on each floor, sometimes within the houses and sometimes on the stair head for the common use of the dwellings on that floor. A courtyard at the rear of the building serves for the common use of the tenants for drying clothes, etc.

ABERDEEN.—The dominant type of working-class dwelling is in granite buildings of two or three stories in height. The dwellings are usually of two or three rooms and there are, as a rule, two dwellings on each floor or storey. There is generally a bed-recess in the kitchen and where there are three rooms in the house, the third, a bedroom, is a smaller room as a rule. Attached to the tenement is a wash-house for the common use of the houses and a place for drying clothes, etc.

GREENOCK.—The tenement system of housing common to Scottish towns prevails here. Houses of two rooms ("room and kitchen") are the predominant type. These houses are located in tenements three or four stories high, and reached through a "close" and common stair. There is a bed-recess, as a rule, in each apartment. The houses on a floor usually share a water-closet situated on the stair head. A wash-house in a courtyard at the back of the tenement serves the occupants, who use it in turn.

GALASHIELS.—The predominant type of working-class house differs in some respects from that which is most common in the larger Scottish towns. Though the usual dwelling is the "room and kitchen" house in a stone tenement, the tenement contains generally only an upper and a lower flat; the door giving access to the lower flat abuts immediately on the pavement, while the upper flat is reached by an outside staircase. One wash-house, as a rule, serves for four tenants. There is a drying ground, and frequently, also, there are gardens. These smaller tenements have more of the appearance of self-contained cottages.

FALKIRK.—The predominant type of working-class house is the "room and kitchen," situated in a two-storied tenement, the upper floor being reached either by an internal or by an external stair. The kitchen has a bed-recess, and occasionally a small scullery is partitioned off it. Where there is a third room in the dwelling it is usually an additional bedroom. The wash-house and drying ground serve for a number of tenants, as in other towns.

These conditions repeat themselves so much throughout the various towns that the position cannot be presented more shortly or more clearly than in the following table.

Section II.—HOUSES OF DIFFERENT SIZES,

The figures on the following pages show the percentage of houses of different sizes, the percentage of the population living in the various size of house and the percentage of population by numbers per room in Scotland and in the principal towns.

People as a rule do not realize the state of affairs revealed by these figures. Of the 754,000 inhabitants of Glasgow in 1911 over 104,000 were living in houses of one room ; and the houses of 472,000 did not exceed two rooms. In Dundee, with a population of 160,000, the houses of 16,000 persons consisted of single apartments, and the limit of two rooms had to satisfy over 100,000 of the population.

A glance at the table will show that in some of the smaller towns the conditions are even worse.

The outstanding features are the high proportion of the small houses and the large percentage of the population inhabiting them.

Section III.—TWO OTHER OUTSTANDING FEATURES.

In addition there are two other outstanding features at the present time :

(1) The existence of many overcrowded slum areas where normal conditions of healthy life are impossible, which are breeding grounds of disease and plague spots in the community ; and,

(2) A marked scarcity of houses.

The 'large slum areas are, of course, most prevalent in the largest towns where the very worst effects are found. The absolute scarcity of houses, on the other hand, is more directly an urgent problem in the middle sized and smaller towns.

TABLE SHOWING HOUSING CONDITIONS OF THE POPULATIONS IN VARIOUS BURGHES, BASED ON 1911 CENSUS RETURNS.

Towns, etc.	No. of houses.	Percentage of total houses having					Percentage of population, in houses having					Percentage of population dealt with living more than				Population, (excluding Institutional population).
		1 room.	2 rooms.	3 rooms.	4 rooms.	5 or more rooms.	1 room.	2 rooms.	3 rooms.	4 rooms.	5 or more rooms.	2	3	4		
Scotland -	1,013,369	12.8	40.4	20.3	9.3	17.2	8.7	40.9	21.9	9.9	13.6	45.1	21.9	8.6	4,601,070	
Burghs over 2,000 population -	655,530	14.4	42.4	20.3	8.7	14.2	9.7	43.2	22.4	9.4	15.3	47.6	22.7	8.6	2,965,751	
Remainder -	357,839	9.9	36.8	20.2	10.5	22.6	6.8	36.8	20.8	10.9	24.7	40.7	20.3	8.7	1,635,319	
Aberdeen -	36,159	9.8	36.8	27.9	11.3	14.2	4.8	33.8	32.0	13.0	16.4	37.8	12.3	2.2	158,247	
Airdrie -	4,875	24.9	48.7	12.9	5.1	8.4	19.3	51.5	14.4	5.2	9.6	64.9	40.1	20.2	24,086	
Alloa -	2,586	10.7	36.7	24.8	10.5	17.3	7.0	36.2	27.1	11.3	18.4	42.4	18.4	6.0	11,747	
Alva -	1,061	22.1	43.3	18.2	6.8	9.6	14.2	44.4	21.6	8.7	11.1	45.1	19.0	7.5	4,269	
Arbroath -	5,186	14.7	36.0	25.3	10.2	13.5	8.0	35.2	30.6	11.2	15.0	37.1	15.7	5.1	20,341	
Ayr -	6,866	11.2	36.2	19.5	9.0	24.1	7.3	37.2	20.8	9.6	25.1	41.9	20.4	7.6	31,453	
Banff -	909	6.9	23.5	19.6	13.5	36.5	3.5	18.0	21.2	15.1	42.2	23.5	6.9	1.4	3,706	
Barroch -	2,337	21.8	52.3	15.0	2.9	8.0	15.5	55.5	16.9	3.2	8.9	64.0	39.9	17.8	11,365	
Bathgate -	1,658	15.0	50.0	17.8	7.7	9.5	10.1	53.9	18.5	8.1	9.4	58.3	32.1	14.3	8,089	
Buckle -	1,987	12.7	34.1	20.9	14.0	18.3	7.9	32.0	23.0	16.5	20.6	40.4	15.1	5.6	8,835	
Campbeltown -	1,628	4.7	40.9	21.9	11.2	21.3	2.7	40.4	23.1	11.4	22.4	43.1	21.0	7.1	7,530	
Carnoustie -	1,360	2.4	15.1	33.9	13.9	34.7	1.3	11.6	37.0	14.4	35.7	18.3	2.9	0.4	5,335	
Clydebank -	7,318	18.9	60.2	13.9	2.3	4.7	12.8	62.3	17.1	2.6	5.2	69.0	38.2	14.8	37,087	
Coatbridge -	8,167	27.3	51.4	12.0	3.5	5.8	22.4	54.1	13.6	4.0	5.9	71.2	45.0	23.7	41,599	
Cowdenbeath -	2,721	16.6	58.0	18.4	3.7	3.3	10.5	59.1	22.7	4.0	3.7	67.6	37.1	14.0	13,931	
Crief -	1,275	7.3	21.1	17.7	14.3	39.6	4.1	20.9	18.8	14.7	42.4	22.4	8.4	2.9	5,187	
Dingwall -	532	5.8	15.6	13.5	19.4	45.7	2.6	12.7	12.0	19.2	52.9	14.9	5.3	2.1	2,503	
Dumbarton -	4,349	10.0	48.0	24.4	5.4	12.2	7.2	47.9	26.6	5.7	12.6	55.7	27.1	10.6	21,625	
Dunfermline -	6,448	11.0	38.0	31.2	10.2	9.6	6.6	36.4	34.7	11.6	10.7	39.2	14.8	4.2	27,379	
Dumfries -	3,447	7.7	31.2	21.2	12.5	27.4	4.4	27.6	23.6	14.8	29.4	30.9	8.4	2.1	15,017	
Dundee -	38,637	16.9	53.0	17.3	5.2	7.6	9.9	53.2	21.5	6.4	9.0	45.2	20.0	6.1	160,489	
Edinburgh -	66,762	9.5	31.4	21.9	14.4	22.8	5.8	30.9	22.8	15.1	25.4	32.6	12.7	4.1	305,361	
Elgin -	1,963	4.8	17.8	23.0	15.5	38.9	2.2	14.6	22.9	16.8	43.5	17.8	4.3	0.9	8,214	
Gylenhead -	503	15.1	41.2	14.7	11.6	17.6	12.5	41.5	16.7	11.8	18.5	44.4	23.0	11.1	2,446	

SEC. III.] FACTS AS TO EXISTING CONDITIONS

Edinburgh	69,762	9.5	52.4	17.1	7.2	13.8	6.6	52.4	14.7	7.9	53.3	29.1	9.5	32,510
Glasgow	1,963	7.4	49.9	20.3	15.0	33.1	2.7	16.7	27.3	15.7	26.9	13.7	3.0	1,947
Gourock	1,507	20.0	46.3	18.9	10.0	12.4	4.3	46.4	22.4	12.5	36.7	13.7	3.6	14,296
Govan	18,378	4.8	24.8	31.9	16.4	22.1	13.8	48.7	33.1	17.2	35.7	27.9	10.7	754,314
Grangemouth	2,006	16.3	59.4	16.3	3.8	4.2	11.0	61.7	18.3	4.2	62.7	32.4	4.4	7,407
Greenock	14,886	7.1	48.0	17.3	10.7	16.9	4.7	46.6	19.1	12.0	47.8	19.6	11.4	87,934
Haddington	935	14.1	47.7	21.6	6.5	10.1	10.0	48.9	23.5	6.9	56.7	28.9	7.2	9,594
Hamilton	7,315	10.4	29.0	20.7	11.0	28.0	6.6	26.2	22.4	14.6	30.2	24.6	11.6	71,853
Hawick	7,315	24.6	46.4	14.5	5.3	9.2	18.7	40.5	16.4	5.7	65.7	40.3	2.4	3,694
Inverness	4,694	11.0	35.8	27.9	9.5	15.8	6.6	32.9	31.0	11.1	33.5	11.9	19.7	37,090
Johnstone	5,072	8.3	23.1	21.4	13.2	32.0	3.9	22.3	22.1	14.8	24.4	7.8	3.8	16,806
Kelso	2,556	24.1	47.5	14.4	5.6	8.4	17.7	50.2	17.2	6.2	61.2	34.0	2.3	21,594
Kilmarnock	1,008	7.1	28.2	18.6	15.3	30.7	4.4	27.6	19.2	15.3	33.5	22.3	15.9	11,953
Kilnblair	7,468	20.1	47.6	15.6	4.9	11.8	15.2	49.8	17.5	5.2	55.2	30.5	3.0	3,833
Kilnblair	1,554	33.2	44.0	11.3	4.0	7.5	26.5	48.0	13.2	4.3	71.6	47.8	14.0	31,965
Kilross	633	4.4	27.5	28.6	16.3	23.2	2.6	24.2	31.4	17.7	24.1	28.2	26.2	7,963
Kirkcaldy	8,962	4.7	47.0	26.9	8.9	12.5	2.5	43.5	31.5	9.5	13.0	40.6	1.4	2,553
Kirkwall	692	2.3	16.0	16.2	26.2	39.3	1.1	11.6	13.9	30.3	43.1	27.9	3.1	39,847
Lanark	1,308	14.4	33.1	17.2	10.4	24.9	10.7	33.5	19.2	10.4	26.2	41.1	3.4	3,745
Leith	17,339	8.2	45.2	24.1	10.1	12.4	5.4	44.5	26.0	11.0	13.1	43.6	9.2	5,783
Maxwelltown	1,483	4.7	36.8	19.9	11.1	27.5	2.4	31.5	22.3	13.8	30.0	26.8	6.3	77,843
Milngavie	957	8.2	40.4	14.9	8.1	28.4	5.1	40.9	17.3	8.0	28.7	43.5	1.5	6,035
Motherwell	7,760	21.9	51.9	17.6	3.8	4.8	16.8	53.7	20.3	4.3	4.9	68.1	7.3	4,526
Muskelburgh	3,398	10.2	40.2	23.5	9.6	16.5	7.0	39.6	25.2	11.6	16.6	44.7	19.2	39,715
Nairn	1,100	10.1	26.4	13.3	15.4	34.8	6.5	23.4	14.9	16.7	38.5	26.4	6.9	15,519
Oban	1,142	3.6	24.1	27.0	10.5	34.8	2.2	21.6	27.8	10.4	38.0	26.8	3.2	4,561
Paisley	17,623	18.9	50.7	17.5	5.6	7.3	12.0	53.0	20.8	6.3	7.9	58.6	4.2	8,345
Partick	14,254	11.0	46.3	24.0	7.2	11.5	8.0	47.3	25.0	7.5	12.2	49.7	10.4	81,915
Peebles	1,280	4.5	27.4	24.9	14.6	28.6	3.2	25.7	24.9	15.7	30.5	27.2	9.4	66,151
Perth	8,129	5.0	32.1	26.9	11.2	24.8	2.3	23.1	29.2	12.9	27.5	26.4	3.6	5,431
Perthhead	2,928	11.0	35.2	24.7	14.5	14.6	7.3	32.6	26.4	16.4	17.0	30.8	1.6	33,706
Pollokshaws	2,861	23.7	47.7	20.9	4.2	3.5	16.9	51.9	22.8	4.3	4.1	60.8	5.1	13,450
Port Glasgow	3,331	13.4	55.3	21.4	3.2	6.7	9.0	56.9	23.8	8.5	6.8	66.7	14.8	12,929
Renfrew	2,556	13.9	58.3	15.9	5.1	7.7	9.0	60.9	17.0	5.7	6.3	36.9	16.1	17,390
Rothsay	2,220	8.9	24.7	23.6	11.2	24.8	2.5	23.1	23.5	15.7	35.2	24.6	11.7	12,454
Rutherglen	5,180	19.5	43.7	18.3	5.5	13.0	13.9	47.1	19.0	6.0	14.0	54.4	3.3	8,948
Stirling	4,561	9.3	21.9	21.9	14.8	21.5	5.8	31.6	23.1	15.6	23.9	29.6	12.5	24,151
Stonchaven	1,126	7.5	17.9	15.4	11.0	38.2	3.3	27.1	16.3	11.8	19.8	14.8	4.8	20,335
Stranraer	1,435	7.7	20.8	15.2	15.5	22.6	4.2	19.9	16.9	16.6	42.4	24.8	1.4	4,100
Wick	2,063	11.0	33.1	17.2	16.1	22.6	6.2	29.9	19.1	19.1	34.7	12.5	2.4	6,154
Wharfedale	4,939	28.5	40.4	12.1	4.6	5.4	23.0	53.1	13.7	4.6	70.1	45.1	24.3	24,778

But even in these, this scarcity contributes greatly to overcrowding in such houses as there are in these towns and villages.

There is not only an admitted necessity for drastic action in clearing slum areas and in providing sanitary dwellings for the poorer class, but also in many cases there exists a quite exceptional demand for housing accommodation for better class workmen. In the largest towns, however, the contributory cause of poverty is more prominent as a factor conducing to life in the slums, as many of the lowest grade of urban workers, earning small wages, pay, even for the poorest accommodation, rents which may be as high as 15 or 20 per cent. of their earnings or more. On the other hand, in very many of the smaller towns and villages, a striking feature at present is the absence of house accommodation for men who are earning reasonably good wages and who are in a position to pay economic rents. In Cromarty and Lerwick, for example, as well as in larger towns like Greenock, Dunfermline, Wishaw, etc., there is this economic demand for housing accommodation from people who can pay the necessary rent, and the absence of the necessary houses has the effect not only of increasing the crowding in the houses that are available, but also increasing the rents of these houses.

In some cases, in these middle-sized and smaller towns, the local resources for building are unwilling to provide the accommodation, as there appears to be some doubt as to the permanence of the demand. In other cases, the general depression in the building trade and the emigration of workmen and labourers, are stated to be leading causes why more houses are not erected.

It appears also, that in many of the smaller towns the demand for housing is too small or uncertain to attract the speculative builder. He looks for a big scheme and desires, as a rule, to sell the house when completed and so turn over his capital. The people, while able to pay a rent for a house, have not the capital to build houses for themselves. There is a distinct problem here which private enterprise seems at present less able to meet than in the case of the larger towns.

Section IV.—OVERCROWDING AND SLUMS.

The prevalence of large blocks of small tenement houses conduces to great density of population and, where the place degenerates into a slum, to a peculiarly bad type of slum.

The outstanding defect is the over-density with its resulting absence of space and air and light.

Where people live so closely together as in these large blocks there is a greater necessity for the maintenance of the houses in reasonably good condition and for the maintenance also of reasonably good conduct on the part of the occupiers.

We have abundant evidence of the existence of slums (and bad slums) in the towns generally. Unfortunately, people are not generally aware of the extent to which slums and overcrowding prevail. The extracts from reports quoted in the next section, together with the table given on pp. 350-1, give some indication of the real position.

We have had particulars of cases of overcrowding where single apartment houses contained as many as eight persons and two apartments houses contained as many as eleven persons.

It should be realised clearly what is meant by life in one of these overcrowded city slums. With dismal surroundings, overcrowded apartments, not infrequently drunken, or noisy neighbours who seem determined to make the environment as uncomfortable for others as for themselves, the meanest furniture and the lowest standard of comfort, life is passed under very depressing and devitalising conditions. It is impossible by a mere description to convey an adequate idea of the wretchedness and squalor of these congested areas, but the following few particulars may be given from the reports of investigators. They give some idea of the greatly overcrowded conditions which make healthy and clean living almost an impossibility. They are not the worst cases.

(1) I is a tenement of four storeys facing a street. On the ground floor are shops. A narrow "close" or passage runs through the building to the court behind. From this court an outside stair leads to the upper floor, whose doors open on long balconies. Two older tenements, X and Y, stand behind each other parallel to I. They are three and four storeys high, with

dark, ill-ventilated stairs and passages. The space between I and X is 15 feet 9 inches at the narrower, 17 feet at the wider part; that between X and Y 6 feet 2 inches at the narrower, 9 feet 8 inches at the wider part, and the passage leading to X and Y, 7 feet 5 inches, is bounded by the high wall of the next tenement and an adjoining bakehouse. The density of population per acre is about 500.

(2) In the case of II, a narrow close leads from one street to another. It is 3 feet 7 inches at its narrowest, 5 feet 11 inches at the widest. On one side is Block A facing the main street at right angle, to the close, behind it lies Block B five storeys in height, and Block C four storeys, while on the other side of the close stands a row of two-storey houses. The stairs are badly-ventilated and filthy, and the ash-pits are uncovered.

(3) III is an old dilapidated building facing the main street; steps lead down to a sunk passage leading through this block to a small court. On the further side of the court a row of two-storey houses runs out at right angles to the front blocks. These old and squalid buildings, inhabited by a very poor class of tenants, are nominally two-roomed houses, but the inner rooms are small, and the wall of a mill rises within 1½ feet of the windows.

(4) This case is a large block with frontage on two streets, being built at a corner. At the back is a large court, bounded on two sides by this block, and on the two other sides by similarly high buildings. The court is paved. Very little sunlight can ever enter, by reason of the great height of the houses. In the middle are six w.c.'s, entered by putting a "penny in the slot," but it is stated they are not much used. There is also a large one for men only, free to the public. These closets are shared by the 420 persons at present living in these blocks. The inside stone stairs are very dirty, but well-lighted and aired by windows covered with network instead of glass; at each landing the passage divides into two passages at right angles, each ending in a wider square space with window, where clothes and bedding, etc., are hung up to air.

(5) In — Street there are various tenements which present very bad features. They are three storeys high with two room houses, and are built on the back-to-back house principle, with no through ventilation. The block is something in the nature of a "rookery," and it is reported locally that no respectable landlord will take a tenant who comes from this property, as they are considered to be of a rather disreputable class. A bad feature of the case is that they are comparatively new, being only about twenty years old.

"Farmed-out" houses in the slums are an additional source of trouble; they are very expensive to the sub-tenants, often the poorest and most miserable of the city's population,

and it is reported that in some cases their prevalence is due more to the improvidence and thoughtlessness of these sub-tenants than to their actual poverty. It is reported, for example, from one of the towns :

Apartments are let furnished here at payments ranging from 5s. to 9s. per week for a single apartment ; these sums are paid nightly or weekly. The furniture in some of these houses consists of a solitary rough wooden box, which has to serve as seat, table and everything else, and yet the house farmer is drawing from £13 to £23 8s. per year for single apartments which would not bring more than £4 or £4 10s. per year in the ordinary way of letting. Perhaps the strangest and saddest aspect of it all is that when you point out to these poor souls the unjustness of the charges they are paying, you are generally met with the answer, " I niver thoct o't that way ; but, at any rate, we couldna pay't ony itherway. "

In another town, owing to the scarcity of houses during the past few years, a most undesirable class of " farmed-out " houses has developed within the burgh for the accommodation of married couples with or without children, who have been unable to procure other house accommodation. In four properties, it is reported, the tenants were ejected and the premises in each case let to an individual for the purpose of sub-letting or " farming-out " in rooms. The total rents paid by the farmer for the four properties referred to, was £229, and the return received for sub-letting £767. As there is such a scarcity of houses it is difficult to suppress these objectionable lodging houses without causing hardship to the people concerned.

The following particulars also may be given. They relate to the Cowcaddens Ward in Glasgow, which has as many as 215 persons per acre and about 52·5 houses to the acre :

	Per-centage.	Average number of persons per house.	Average rent per annum.	Gross-average weekly wage of occupiers.	Percent-age of wages paid in rent.
			£ s. d.	£ s. d.	—
Single apart-ments	24½	2·83	6 7 6	0 16 11	14·5
rtments	49	4·73	8 17 4	1 4 2	14·11
artments					
id c -	26½	—	16 15 2	1 16 9	17·54

29 per cent. of the total number of the houses are ticketed, so that they may be inspected during the night for over-crowding. 110 houses are said to be of the farmed-out class.

The area containing the greatest number of single apartment houses was found to be Lyon Street, containing 374 such houses, 271 being occupied. The death-rate in this street for 1910 was 45 per 1,000. Only one other street equalled this rate in Cowcaddens, viz., Milton Lane, where the death-rate was 47 per 1,000.

Section V.—A FEW TYPICAL EXTRACTS FROM REPORTS.

The following extracts from reports are typical of a similar condition of affairs in the towns generally.

From practically every town it is reported that overcrowding and lack of house accommodation are acute problems. It is doubtful if, at any other period within recent years, the housing question in towns was more acute.

GLASGOW.—The Corporation of Glasgow, for example, are at the present time endeavouring to carry through an arrangement for the clearing of five small congested areas within the City—one in each of the Blackfriars, Hutchesontown, Cowcaddens, Townhead, and Mile End Wards. These congested areas consist, as a rule, of a shell of dwelling houses enclosing a space which instead of being left free to give some sort of means of ventilation, light, etc., to the dwelling houses, has had dumped upon it dwelling houses commonly known as "back lands," and other structures, so that the people in the dwelling houses live under the most depressing and unsatisfactory conditions, which are reflected vividly in a high death rate, a high rate of sickness, and a high rate of infantile mortality.

The death rate for the city from all causes averages 16·4 per 1,000 living; in the combined congested areas it is 22·7. From respiratory diseases the deaths in the city average 3·1 per 1,000 of the population living; in the areas the rate is 6·2—exactly double. The average infantile death rate is 136 per 1,000 births; for the combined areas it is 180 per 1,000, while in the Hutchesontown area it rises to 282 per 1,000. At the Census in 1911 there were housed on the combined areas 6,433 persons, occupying 1,343 houses, of which 1,176 were of one and two apartments. Houses of three apartments to the number of 136 were also occupied but in each of these there was, on the average, one person additional to the average of the city, namely, 6·4 against 5·2. In twenty-four four-apartment houses there were 7·2 persons in each, compared with five for the city as a whole. The following particulars regarding these areas and of their effect upon the health of the inhabitants may be quoted:

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Area	WHOLE AREA.						
	Extent of area, including half of street	Population			Persons per acre	Deaths in 1911	
		Adults	Children	Total		Total	Rate per 1,000
1.—Crown Street -	2.6	725	326	1,051	404	22	20.9
2.—Commercial Road -	3.47	862	533	1,395	402	37	26.5
3.—School Close, Cowcaddens -	2.14	524	225	749	350	8	10.7
4.—Parliamentary Road -	3.16	984	383	1,367	432	23	16.8
5.—Greenvale Street -	2.48	722	415	1,137	453	19	16.7

Area	GROUND INCLUDED IN ABOVE AREAS PROPOSED TO BE ACQUIRED BY THE CORPORATION					
	Ground		Back lands		Front lands	
	Extent in square yards	Proportion of feu-duty	Houses	Business premises	Houses	Business premises
1.—Crown Street -	1,650	£ s. d. 40 17 1	51	14	3	2
2.—Commercial Road -	2,410	46 4 10	93	13	—	—
3.—School Close, Cowcaddens -	1,745	18 17 5	47	7	8	1
4.—Parliamentary Road -	2,930	76 19 1	121	3	—	1
5.—Greenvale Street -	2,700	10 19 4	82	1	—	1

RENTAL OF PROPERTY AND POPULATION IN ABOVE AREAS PROPOSED TO BE ACQUIRED BY THE CORPORATION									
Area	Rentals						Population		
	Back lands		Front property	Total					
	Houses	Business premises	For entrance						
	£ s.	£ s.	£ s.		£ s.	Adults	Children	Total	
1.—Crown Street -	306 14	120 16	76 5	503 15	120	47	167		
2.—Commercial Road -	517 0	86 7	—	603 7	158	102	260		
3.—School Close, Cowcaddens -	276 0	101 8	67 5	534 13	77	42	119		
4.—Parliamentary Road -	687 2	50 8	4 0	741 10	269	110	379		
5.—Greenvale Street -	355 10	5 0	9 18	380 8	143	72	215		
					767	373	1,140		

The density of population shown above compares with fifty-six persons per acre for the city as a whole. The average number of square yards per person, taking the city as a whole, is 86. In these areas, it is 10·5. The Glasgow Corporation are endeavouring to acquire these properties by negotiating with the proprietors. It is found that even where the Local Authority have compulsory powers of purchase, the expense of putting them into force and of arbitration proceedings is so considerable as to constitute a serious deterrent to action. Particularly if a scheme is not a large one the expenses are out of all proportion so that it is generally preferable, in the circumstances, to pay a greatly enhanced price if anything is to be done. Thus the powers of compulsory purchase in such cases are practically futile. (This point is dealt with further in Chapter XXXV.)

AYR.—In Ayr there are 767 houses of one apartment, 2,490 of two apartments, and 1,340 of three apartments. The total persons occupying these being 2,277, 11,709 and 6,547, respectively, or an average of 2·96, 4·7 and 4·88 per house respectively. Ayr is a very old town, and in the older parts there are some very defective houses, time-worn and decayed, and lacking in sanitary conveniences—some of them being huddled together in back lands. There are clearly a large number which ought to be dealt with by the Local Authority as uninhabitable or obstructive. There is, however, a lack of suitable houses for the wage-earning classes, and until these are provided the Local Authority have found it impossible to make further progress in the closing of insanitary dwellings.

The sanitary inspector in a recent investigation found that in three typical streets, King Street, York Street and Content Street, the overcrowded houses were 22, 10 and 7 per cent., respectively, of the whole houses. In one four-roomed house which had cubic space for ten persons, twenty persons were found, of whom seven were lodgers.

In this connection also, the following may be quoted from the Report for 1912 of the Medical Officer for Ayr:—

“Complaints have been made as to the scarcity of low-rented houses owing to the action taken, and this matter is at present under the consideration of the Local Authority. The housing of the poor is admitted to be one of the most pressing problems of the day. It is undeniable that the really poor need assistance in the matter of housing. It must also be remembered that in Ayr a great number of the class desiring cheap houses is practically the overflow from other places where the people work, but where they are unable to get suitable accommodation. As was stated in last year’s Report, from 200 to 300 men working in Troon live in Ayr and travel daily, for the reason that they can get no suitable

houses there. The same also applies to the miners working the new pits at Prestwick. The colliery proprietors at Prestwick propose erecting 200 miners' houses near their pits, and this will do away largely with the demand for such houses here."

The Troon Town Council are at present considering a scheme of municipal housing, and have entered upon negotiations with a view to feuing land for the purpose.

MOTHERWELL.—Of the population of Motherwell:—

16 per cent. live in 1-room houses.

53	"	"	2	"
20	"	"	3	"

27,000 persons live more than 2 in a room.

16,000	"	"	"	3	"
7,000	"	"	"	4	"

There is a great scarcity of houses suitable for an industrial population. So great is the scarcity that a large number of persons employed in Motherwell have to seek accommodation in Hamilton.

There are some very bad slums in Motherwell, and a great many people are compelled to live under very insanitary conditions as regards housing.

As bearing upon the effect of mineral subsidence, the following may be quoted from the 1912 Report of the Medical Officer of Health:—

"In one ward in the Burgh there are forty-one houses standing empty, due entirely to underground workings. I am sorry at this, because it is only a few years since new drains were laid down, water and water-fittings put into each house, and water-closets erected. Houses are somewhat scarce for the people who are displaced as the result of closing orders, and I therefore have to deal cautiously with the housing question."

BARRHEAD.—There is an insufficiency of houses in the Burgh, and many of the houses are in an insanitary state. A deputation of ratepayers appeared before the Town Council recently and urged upon them to take immediate steps for the promotion of a building scheme under the Town Planning Act.

BATHGATE.—The present population of Bathgate is estimated at 8,400. The land within the Burgh is owned mainly by one landowner. The surface value, from the agricultural point of view is, say, 25s. to 30s. per acre; but the mineral rights are very valuable. During the last fifteen years the feu-duty charged for new sites averages from £16 to £22 per acre per annum. The Burgh and district have been growing rapidly during the last

twenty years, but while public works have sprung up all round, especially during the last few years, building within the Burgh has virtually been at a standstill for five years. This is stated locally to be due to : (1) Considerations regarding insecure foundations. In three districts of the Burgh, property has been seriously damaged ; in some instances completely ruined owing to subsidences caused by the water being drawn away from the old shallow mine workings, by the new deep level pits. (2) The heavy rate of feu duty and the want of suitable sites. The Town Council, a year ago, appointed a Committee to examine sites and report upon a scheme to build a hundred workmen's houses, but so far have been unable to obtain a suitable site. From twelve to twenty houses ought to be condemned and a considerable amount of overcrowding is taking place. But the Town Council, recognising that there is a dearth of houses, are unwilling to condemn the existing defective houses, and the provisions against overcrowding can only be enforced with a great deal of laxity ; for if the people are turned out there is no place for them to go to. It is estimated that at least twenty married men cycle to their work daily as much as 7 and 8 miles each way, while as many more men who are married are living in lodgings in the town because they cannot obtain houses.

BRECHIN.—There is great difficulty in obtaining good two- and three-roomed houses for the working classes, three-roomed houses being specially scarce.

CLYDEBANK.—There is a scarcity of houses in Clydebank. A great many married people are living in lodgings owing to lack of housing accommodation, and a large number of workers employed in the district have to travel to and from Glasgow and other places.

FORFAR.—There is difficulty in the district of obtaining house-room. The houses that are most wanted are working-class dwellings at a rent of from £6 to £10, and also the class of house at from £10 to £20. It is reported locally that it would not pay private enterprise to put up working-class houses on account of the dearthness of material, and the disinclination of the workers to pay a high house rent.

IRVINE.—Much concern has been caused through the scarcity of dwelling-houses at Irvine. This is largely brought about by the transference of Messrs. — ship-building yard from Govan to the town. All the houses are let, and there is not an empty dwelling to be had, and few new dwelling-houses have as yet been erected to cope with the demand.

CLELAND AND OMOA.—In October last (1913) an inquiry was held by a District Committee of the County of Lanark into the housing conditions at Cleland and Omoa. As a result of the inquiry, the following facts were ascertained, viz.: That the present condition of the working-class houses in the district left much to be desired; that there was insufficiency of accommodation to the extent of several hundred houses; that the industrial prospects of the district were good; that there was meantime no sign of extra accommodation being provided by private enterprise; that from the wages received the workpeople would be able to pay a fair rent for their houses, and that the type and size of house mostly favoured was a room and kitchen dwelling with bath-room, coal-cellar, and separate conveniences.

ARBROATH.—Of fifty-two dwellings visited by the Sanitary Authority in 1912, forty were considered unfit for human habitation. The defects consisted of want of repair, want of sufficient cubic space, dampness, filthy surroundings and the want of proper sanitary accommodation. Closing orders were issued in respect of thirty-seven houses.

GOREBRIDGE, MIDLOTHIAN.—There is a great scarcity of housing accommodation here, although this village is in the centre of a large coal mining district.

ANNBANK.—The houses in this district suitable for workmen are, with few exceptions, the property of local mineowners, and are occupied by their workpeople. It is very difficult for other people to get house accommodation. A good many houses have been erected recently, but there is still a large deficiency, and many men consequently travel by workmen's trains to and from Ayr.

INVERGORDON, ROSS-SHIRE.—The majority of houses in this place are of the old-fashioned type with two rooms on the ground floor and attics—two or three bedrooms, and there appears to be no proper sanitary accommodation. Houses are also scarce owing to Invergordon being recognised as a naval base, and influx of population.

LERWICK.—There is great difficulty experienced in getting houses here. Working men's dwellings, containing twenty-six separate tenements, were built by the Town Council about three years ago, and were immediately occupied, and it is understood that the provision of more dwellings for the working classes is being considered by the Town Council. Meanwhile there is considerable difficulty in obtaining houses, and a great deal of inconvenience, etc., is caused locally.

WICK.—There is difficulty in obtaining houses, and there scarcely an empty house in the district.

The greatest scarcity is experienced in the class of house rents at from £7 to £12 per annum.

Special local grievances with regard to housing of the working classes in this district are as follows:

- (1) A number of houses are in a bad state of repair.
- (2) In a great many cases no water supply has been laid in.
- (3) Several closing orders have been passed, but they cannot be enforced as other houses are not available for the occupiers.
- (4) Very many have no washing accommodation.
- (5) At certain seasons a very considerable amount of overcrowding takes place, among the fishing population especially.
- (6) The floors of some of the older houses are built below the level of the street or roadway, whereby they are lacking in ventilation and light, and are in a state of dampness, due entirely to the bad situations in which they are built. Some of these houses are built on leasehold land.

DUNFERMLINE.—House rents have increased greatly during the last few years. In the vicinity of Victoria Street and Victoria Terrace houses that three years ago brought in about £10 are now let for over £13. In the Nethertown district rents that used to average from £7 are now £9. This is the net rent after deducting the rates added under the House Letting Act, 1911.

Overcrowding.—There is overcrowding, but usually it is not due to the poverty of the workers, but mainly to the lack of houses.

GREENOCK.—The housing conditions are very bad, and the citizens have been trying to get action taken to improve matters. The difficulty has become acute by the prosperous condition of the shipbuilding trade, and influx of population. The Corporation received a deputation on the subject (at their monthly meeting in February, 1913). The Rev. Chas. Allan stated that the main business that had brought the deputation there was twofold. They wanted to say, without committing themselves to every detail, that they viewed with strong approval the Corporation's decision to embark on a building scheme. They would gladly have seen a bigger scheme, but they counted it to them for righteousness that they had a scheme at all. The second thing they wanted to say was that things were far, far worse in the matter of the housing of the poor of their town than some of them, even those of them who thought they knew something about it before, ever dreamt. Those of them who were new to the business had been inexpressibly

shocked and pained. There were houses they had been in, some of them farmed-out houses, where human beings of both sexes were huddled together like pigs. House after house they found in a most disgraceful condition, with cracks in the walls through which they could stick their elbows, the walls and ceilings simply oozing with damp, basins keeping the rain off the beds where invalids were lying. There were places where forty and fifty people used the same convenience. They wanted it to go out from the municipal authority to some of the houseowners, with their factors, that they must really take an interest in the condition of their houses. They felt certain that many of them did not know, they could not know, the real state of affairs; and they felt certain also that unless things were better when the Housing Commission came their way there would be tales to tell and sights to see which would bring the blush of shame to many a cheek, and give a name to Greenock of evil notoriety through the length and breadth of the land. The last census, when analysed, showed that considerably more than half the population of Greenock occupied one or two-roomed houses, that 83 per cent. of those living in single-apartment houses and 72 per cent. of those in two-apartment houses were overcrowded. As things were this was inevitable, but it meant infant mortality—the modern murder of the innocents; it meant undue sickness, enfeebled vitality, with all its attendant evils, and a serious deduction from the value of labour for which employers were paying; it meant lax morality undoubtedly, increased crime, lunacy, and pauperism, and a heavy burden on the rates and taxpayers.

INVERNESS.—There are many slums here which are miserable hovels, packed together and quite devoid of open spaces or gardens. A former General Superintendent of Poor for this district, in his report to the Local Government Board for Scotland, dated 19th May, 1910, said, "I have never witnessed urban paupers living under worse conditions than those obtaining in Inverness. That some very bad slums exist in the town is notorious. I have found houses that are overcrowded; houses that are dirty enough to breed typhus; houses with plaster peeling off the walls and ceilings; houses with leaking roofs and damp walls; houses with no w.c. accommodation. . . Houses in which faecal matter is stored in pails and then thrown into the river," etc., etc.

PAISLEY.—In the Annual Report for 1912 of the Chief Sanitary Inspector for Paisley, it is pointed out:—

In the course of the year the ticketed and over-crowded houses had received close and constant attention. There were 63 ticketed houses of one room, 44 of two rooms, and 1 of three rooms, removed

from the register. The numbers still on the register were: 1,347 one-room houses, 1,926 two-room houses, and 71 three-room houses, giving a total of 3,344. There were 6,939 visits of inspection made, and 483 were found overcrowded by from one child under ten years up to six adults. He had again to direct attention to the fact that, owing to so many small and cheap, though insanitary and unhealthy, houses being demolished, there was undoubtedly a real and growing difficulty experienced by those who had been unhoused in finding houses at anything approaching the rent they had been paying or could be expected to pay from their small income. This was the cause of a good deal of the overcrowding, as it led to the keeping of lodgers and two or more families joining together to enable them to pay the rent of a dearer though not always larger house. The dangers of such condition of living must be obvious to everyone interested in the housing and social conditions of the inhabitants. During the year 138 houses were closed as unfit for human habitation.

MILNGAVIE.—It is reported that many of the people are living in old and insanitary houses, the chief defects being dampness, lack of ventilation, broken walls, floors below level of ground, etc. New houses are not being built to meet the demand, and owing to the shortage rents of working-class houses have greatly increased. A committee of the inhabitants has been formed for the purpose of getting steps taken to remedy the evil, and deputations have approached the local authority on the subject.

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CHAPTER XXIX.

RESULTS OF OVERCROWDING, ETC.

Section I.—A GENERAL NOTE.

We find it clearly established :

(1) That high death rates, sickness rates, and infantile mortality rates, are associated so closely with congested conditions of housing as to vary directly with the density of the population.

(2) That the normal possibilities of life in those densely-crowded areas in no way conform with the minimum requirements of modern civilisation ; and that, in addition to the deterioration of the resident slum population, they present a constant menace to the health and happiness of the community at large. They render necessary a great part of the large expenditure on public health (isolation hospitals, etc.) and they are breeding grounds from which such infectious diseases as scarlet fever, diphtheria, consumption, measles, influenza, etc., spread havoc throughout the community.

The following statement by a highly-experienced Medical Officer expresses a conclusion widely held among medical men responsible for the Public Health, and a conclusion with which we agree.

It is gratifying to see the efforts that are now being made to stamp out tuberculous disease. Sometimes I think we are beginning at the wrong end, and I welcome the Housing and Town Planning Act as a big step in the right direction. I am old enough to remember when typhus fever was a veritable plague in Glasgow. To-day, I do not suppose there is a case in any of the fever hospitals. Of what avail would it have been to have built any number of hospitals in salubrious places to treat the cases, if the old rookeries, and vennels, and wynds, had been left to propagate the disease ? So with consumption. Let us have better housing, more air and sunlight in the dwellings of the poor, clear away

slums and congested areas, and we will do much to eradicate causes of this dread plague.

While the hospitals are necessary for the treatment of existing cases of disease, it is necessary also to stamp out the sources of the diseases.

It is significant also that some of the Industrial Insurance Companies have prescribed districts in which life insurance policies are not issued without special inquiry, for the reason that the death-rate, and especially the infantile death-rate, is particularly high. One such list, for example, applicable to the City of Dundee contains thirty-one entire streets or courts and fifty-two streets, in which one or more blocks are prescribed

Section II.—A FEW TYPICAL EXTRACTS FROM REPORTS

The following are a few extracts from Reports from various localities, and are typical of others.

EDINBURGH.—The following is from a statement by the Medical Officer of Health for the city of Edinburgh

In, for example, a densely-populated tenement district in the centre of the City, I find that the density of persons to the acre reached the high total of 540, with a death-rate of 20 per 1,000, as compared with 12 per 1,000 of the general population.

Or, again, in another district, where the density per acre is 597, and where no fewer than 207 persons are resident in one tenement, the death-rate reached 16 per 1,000. The specific instances could, of course, be multiplied, but they are sufficient to prove very conclusively the connection which exists between density of population and excessive mortality. What has been said in regard to the general death-rate applies with equal force to the mortality statistics of such a disease as phthisis, the existence of which indicates so clearly defects in housing and general sanitary conditions.

It is surely a somewhat startling fact that no fewer than 59 per cent. of the cases of this disease in this city occur in houses of one and two rooms; 82 per cent. in houses of three rooms and under, and that no fewer than 93 per cent. of the total cases occur in houses of four rooms and under. It is apparent, then, that the disease is one to which the working and poorer classes are most prominently liable, and from which it is impossible to dissociate the question of overcrowding in certain districts, and of undue sub-division of tenement property. But the Insurance Act lays a responsibility upon Local Authorities in regard to interference with health, as

well as any cases of excessive mortality which may be traceable to the absence of proper sanitary conditions existing in a particular district.

It is of interest, therefore, to realise that just in such areas as have been referred to, not only is the death-rate excessive, but, as might be imagined, the sickness rate is in corresponding proportion. I think it instructive to show a map on which are marked in dots the cases of scarlet fever which have occurred in the city during one year. It is at once apparent what a close connection exists between a dense population and an excessive proportion of infectious cases. The average rate for this disease for the City as a whole is 4 per 1,000, while in the densely-populated Gorgie District, with its enormous number of large tenements, each containing many small houses, the rate is 6 per 1,000, and in the St. Leonard's district, with its 260 persons to the acre, and with its unenviable character of being the most densely populated ward in the city, there occur, of course, the largest number of cases—a diagrammatical representation of which stands out very prominently on the map.

EFFECT OF CONGESTED AREAS.

I have upon previous occasions, by published papers and otherwise, emphasised the undoubted connection which exists between a densely-populated locality and a high rate of death and sickness. As a general indication, then, to Local Authorities in bringing to light the unhealthy areas within their jurisdiction, an almost infallible guide to the most clamant of these will be those portions that are most densely populated.

It is perfectly remarkable how closely a death-rate increases almost exactly in proportion to the number of small houses of one and two rooms which are situated within it, and, therefore, to the number of persons resident on a given space.

If, for example, the City of Edinburgh is divided into its different wards, the death-rate applicable to each increases very remarkably with the increase of the number of such small houses. The following figures prove this very conclusively:

Ward.	Death-rate.	Number of houses of 1 and 2 rooms.
St. Bernard's	7	739
St. Andrew's	9	1,315
Calton	10	1,715
Gorgie	11	2,225
George Square	13	5,462
St. Giles'	15	6,978

The immediate effect of the sub-division of tenement property upon a death-rate is, perhaps, best gathered from a single instance. If 13 tenements be taken, which originally contained 86 houses, with a population of 420 persons, but which have since been subdivided so as to contain 340 houses, with a population of 1,038 persons, I find that the death-rate there, as compared with 12·8—being the average of the whole city—has been raised to the very highly significant figure of 23·12 per 1,000.

GREENOCK.—The Medical Officer of Health for the Burgh of Greenock states (1912):—

It is noteworthy that the West Central is the unhealthy area. Here the death-rate, infantile death-rate, and phthisis death-rate, were highest, viz., 20·49, 126·94, and 1·966 respectively, against 13·60, 88·88, and ·662 respectively in the West District. The West Central District, comprising Wards VI and VII., is bounded on the east by the Vennel and Ann Street, and on the west by Nelson Street, Argyle Street, and Laird Street. This area comprises some of the worst housing conditions of the town, and also a considerable area of better working-class tenements. In order to further compare the lower part of the area with the Burgh generally, I recently caused a census to be taken of the portion bounded by Hamilton Street, West Burn Street, and the Vennel. In this area 42 per cent. of the houses are of one apartment, and 48·7 per cent. of 2 apartments (the comparative figures for the whole burgh are 14·1 per cent. and 47·7 per cent.). The population of the area was 1620, the general death-rate 27·16, against 18·68 in the Burgh, the infantile death-rate 213·11, against 117·03, the birth-rate 37·65, against 31·41; 6·79 per 1,000 of the population of this area have been notified as suffering from phthisis, against 3·35 per 1,000 in the Burgh. The East District shows the highest birth-rate 36·56, and the West the lowest 12·25.

	Population.	Death-rate.	Phthisis death-rate.
A. East	23,163	18·39	·737
B. East Central	15,910	16·91	1·634
C. West Central	23,913	20·49	1·966
D. West	14,930	13·60	·669
	Births.	Infantile death-rate.	Birth-rate.
A. East	847	118·06	36·56
B. East Central	505	110·89	31·78
C. West Central	835	126·94	34·91
D. West	180	88·88	12·25

ABERDEEN.—Dealing with the prevalence of tuberculosis in the City of Aberdeen, the Medical Officer of Health, in a Special Report issued in 1903, shows that the average annual death-rate per 10,000 from tuberculosis for the two years 1907 and 1908 in the various sizes of houses was as follows :

DEATH-RATE FROM TUBERCULOSIS PER 10,000 PERSONS
OCCUPYING HOUSES OF

1 and 2 rooms.	3 rooms.	4 rooms.	5 rooms and upwards.
19	17	15	8

Thus in houses of 1 and 2 rooms the death-rate was more than twice as high as in houses of 5 rooms and upwards.

BATHGATE.—From an investigation made at the end of 1909 in Bathgate, where 12·25 per cent. (or almost 1,000) of the population live in single apartment houses, it was found that the death-rate for these one-apartment houses was 17·119, as compared with 12·453 for the other houses in the Burgh, and it was a noteworthy fact that of the death-rate in these single rooms, 64·82 per cent. had diseases of the respiratory system.

Section III.—THE CHILDREN.

It is upon the children that the worst of the burden falls. In the course of our investigation we have been struck by nothing more than the contrast between the vigorous, healthy children of the farm servant, whose cottage is bad enough in most matters commonly regarded as essential (too small, in bad repair, etc.), and so many of the stunted and sickly children from the one, and two-roomed apartment houses in the most crowded areas of the large towns.

It is not an accident that children from one-roomed houses in the congested urban districts are lighter and smaller in stature, on an average, than children from four-roomed houses. There is no similar wastage in the lives of the poorer children in the rural districts ; and the children of the smallholder and the farm servant, though reared in the smallest cottage

are often at least equal physically to the children of the landowner or of others who live in the largest rural houses. This deterioration in towns is peculiarly a product of urban conditions—overcrowded houses, and the want of air, and light and space.

We have obtained ample evidence that the children of agricultural labourers and other poor country people are, as a rule, better physically than the children of fairly prosperous urban people, and very much better than the children of the poorer urban class, and the difference is not only a difference of physique, it is a difference in all the qualities which go to make a more healthy and more efficient race.

We have had many examples also of the bad influence exercised on young children, especially in the way of encouraging that more feverish activity and precocity characteristic of so many children brought up amid overcrowded urban conditions—an unnatural activity undoubtedly due to the very close association of the children at an impressionable age with older people and the busy environment from which there is no escape, and associated so often with a stunted and under-developed physique; so that too frequently the vitality of the children is squandered before they arrive at an age when it could be more profitably utilised.

We desire to emphasise this point, as we are convinced, after much inquiry, that the system of the small tenement dwellings, with its various advantages, such as the saving of labour on the part of the mother of the family, who has a smaller number of rooms to deal with, a smaller and more compact house to attend to, and one more easily kept warm, and its proximity to the father's place of employment, is yet specially disadvantageous from the point of view of the adequate and normal development of the child.

The child frequently has no place to play in except the public street or a narrow "back-court," and these conditions arrest and depress his normal development and reduce the health, vigour and capacity of the citizens of the future.

The same close connection also, as in the case of high death-rates and high rates of disease, is traceable between high

rates of infantile mortality and small overcrowded urban houses :

In Edinburgh, for example, the average infantile mortality rate for the city was (1912) 110 per 1,000 ; but whereas in a better-class ward such as Merchiston it was only 46 per 1,000, in Saint Giles it was as high as 155 per 1,000, and in the Cowgate and neighbouring closes it was 277 per 1,000, and in the Richmond Street district 232 per 1,000.

The following is a statement by Dr. Chalmers, the Medical Officer of Health for Glasgow :

THE CAUSES OF DEATH AT AGES UNDER 5.

I select the causes of death at these ages for further inquiry because of the importance attaching to them as indices of insanitary conditions. The following general statement shows the rate per 1,000 from all causes at these ages :—

Size of House Apartments.	Under 1		Between 1 and 5		Death- rate (1-5) as percent- age of death- rate under 1.
	Death- rate.	Com- parative number.	Death- rate.	Com- parative number.	
1 - - - -	210.25	100	40.56	100	19
2 - - - -	163.8	78	30.20	74	18
3 - - - -	128.5	61	17.94	44	14
4 and over - -	102.57	49	10.29	25	10

The contrast in the rates at each age period associated with the house groups here shown is sufficiently striking, but what seems to me of almost equal significance is the rapid improvement in the rate of ages 1-5 in three and four apartment houses. Under 1 year the four apartment rate is still equal one-half the rate for one apartment, but during the next four years of life the resistance of the child in three and four apartment houses to fatal disease increases so rapidly, or the risks of contracting infectious disease are so diminished, that the death-rate among children in three apartment houses is less than one-half, and in four apartment houses only one-fourth that of one-apartment children.

If we attach a numerical value of 100 to the infant death-rate in each size of house, the one and two-apartment child has still, during the next four years, to encounter a risk which can be represented by 19 and 18 respectively, compared with 14 and 10 in three and four-apartment children.

The evidence we have obtained is conclusive that a high infantile mortality rate even more emphatically than a high general death-rate is an unfailing characteristic of those congested areas which blot our cities. Where the highest rates prevail there we find the worst housing conditions, the densest population, and the tenements most closely packed together, consisting largely of one apartment and two apartment houses.

Upon this aspect of the question there is little diversity of opinion. There are those who contend that the slum-dweller himself is responsible for his surroundings; but it can scarcely be contended that this applies to the children.

Section IV.—OTHER EFFECTS OF BAD HOUSING.

EFFECT ON MARRIAGES.

We have also been impressed by the amount of evidence to the effect that the dearth of houses has a bearing upon the marriage rate, in the middle-sized and smaller towns and villages. Last year there was a decrease of 10 per cent. in the marriages in Greenock despite the very prosperous trade conditions, and this is locally ascribed to the dearth of houses. From a number of the smaller towns we have had evidence that young people desirous of marrying are prevented by the lack of houses. In one case, for example, the Town Council were approached by a deputation of young men who were desirous of marrying, but could not do so because no houses were available. In other cases young couples have had to live in lodgings or in the houses of parents. In Bathgate, for example, it is reported that upwards of twenty married workmen have to reside in lodgings because they cannot obtain houses. In other cases it is reported that owing to

the scarcity of houses young married people have to be content with a single room.

EFFECT ON MORALS.

The present conditions of overcrowding tend to the deterioration of morals. Sir Halliday Croom, at the Annual Meeting of the National Vigilance Association (Eastern Section) held in Edinburgh last November, said :

The housing conditions were so perfectly appalling that they could scarcely expect to do any good amongst the poorest at all. It was no unusual thing to find seven or eight persons of both sexes housed together in the same room, and it was impossible to have the merest elements of decency.—(*Glasgow Herald*, 21st November, 1913).

OUTWORKERS.

In addition, in the wretched houses of the slums a great amount of what is called outwork or homework, in such trades as tailoring, shirt-making, and dress-making, is carried on. The secretary of the Scottish Council for Women's Trades, for example, in dealing with shirt-making, etc., reported some time ago as follows :

Many of the houses of the home workers were found to be in an extremely filthy state, and the work was carried on in them under highly insanitary conditions. Frequently one finds the home worker occupying an attic room at the top of a five-storied building, the ascent to which is by a dark and dilapidated staircase, infested, it may be, by rats, or haunted by that most pitiable of four-footed creatures, the slum cat. At every landing, narrow, grimy passages stretch to right and left, and, on either side of these, close-packed, is a row of "ticketed houses," i.e., rooms on which the doors have marked on the outside the number of occupants allowed according to police regulations. On every landing there is a water-tap and sink, both the common property of the tenants, and the latter usually emitting frightful effluvia. Probably the sink represents the entire sanitary system of the landing. Armed with a box of matches and battling with what almost seemed to be the solid smells of the place, one finally reached the top, and, on being admitted, finds, perhaps, a room almost destitute of furniture, the

work lying in piles on the dirty floor, or doing duty as bed-clothes for a bed-ridden invalid and the members of the family generally. In one house visited, two children were lying ill in bed, and covered with the shirts on which the mother had been employed. The doctor had not been called in, and the mother could not tell what was the matter.

Section V.—RESULTS OF IMPROVEMENT SCHEMES.

Further, there is the converse evidence that an improvement scheme is followed immediately by a reduction of death and sickness rates in the areas cleared.

The following are a few examples :

GLASGOW.—Under the Glasgow Improvement Act of 1866 about 30 acres were dealt with. The demolition of the defective property did not begin till 1870, but with the commercial crisis of 1878, which culminated in the City of Glasgow Bank failure, operations came to a standstill for 10 years. Partly as a result of this improvement, however, the death-rate for the whole city, which was 32·4 per 1,000 for the three years 1868–70, fell to 25·5 as the mean for the three years 1880–82. In 1888 active measures were again taken, and the death-rate in the district dealt with steadily improved, falling from 43·68 to 31·33 in four years, and to 26 in 1901. The Medical Officer of Health showed that the whole decrease was accounted for by the *cleared* area ; areas immediately adjoining which had not been improved retaining their old death rate.

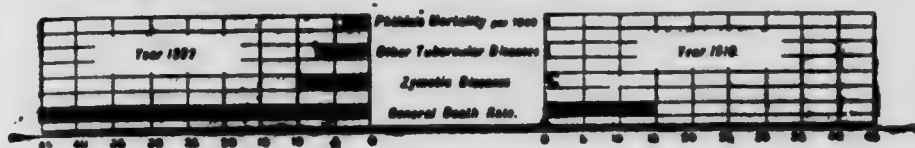
EDINBURGH.—The following is from a statement by the Medical Officer of Health upon a recent improvement scheme in that city :—

In one district, consisting of high tenement dwellings of an old type, sub-divided to the last degree, and embodying almost every possible sanitary objection, the death-rate before treatment reached 52 per 1,000.

The Local Authority cleared away the whole area and erected houses of a class similar to those which had been demolished. The death-rate promptly fell from 52 per 1,000 to the extremely satisfactory one of 15 per 1,000. In other cases similar procedure was followed by equally satisfactory results.

The results of such operations, reflecting as they do upon the mortality of every class of disease, is so all-important as to justify me in appending a diagram setting forth these results, so far as the effect in the improvement areas regarding the General Death-rate ; the Phthisis Death-rate ; the Zymotic ; and " other Tuberculous Disease " Rates are concerned.

Diagram showing Vital Statistics
relating to Combined Improved Areas under 1893 Scheme.



PORT GLASGOW.—An improvement scheme, sanctioned by Parliament in 1905, has been carried out here, which resulted in removing an insanitary area known as the Bay area. As showing the improvement in the health of the Burgh consequent upon this clearance scheme, the following figures of average death rates for three years prior to and after the improvement may be given:

BURGH OF PORT GLASGOW.

	1902-04.	1910-12.
Death-rate (per 1,000)	18.6	16.3
Infantile death-rate (per 1,000)	125.0	104.0
Phthisis Death-rate (per 10,000)	15.8	12.8

It does not follow that the people living in a cleared area are the same after as before the improvement; but it is clearly established by the evidence that a result of clearing the worst areas is to improve the general health of the locality.

CHAPTER XXX.

CAUSES OF SLUMS, BAD HOUSING, AND OVERCROWDING.

Section I.—A SHORT SUMMARY.

Examining in detail the nature of the defects in housing which have so prejudicial an effect upon the public health, we may classify them as follows :

(1) The congested situation of buildings due to the narrowness of the streets, the absence of open spaces, and the existence of "back lands," *i.e.*, tenements of houses erected on what may originally have been back courts, greens, or gardens which are not only obstructive to other inhabited buildings, but are themselves largely deprived of sunlight and fresh air.

(2) Inherent defects in the structure, such as rooms incapable of proper ventilation and deprived of sunlight, dark and ill ventilated common stairs and lobbies, and lack of provision to prevent dampness.

(3) The bad state of repair and the filthy condition of individual dwelling-houses.

(4) The overcrowding of individual dwelling-houses.

Of the many causes which contribute to the continuance of bad housing conditions, we find that the following are the principal causes :

(1) The poverty of large numbers of the city populations. We recognise that in many cases people of even extremely small means struggle bravely and successfully to maintain decent houses in districts which are not slums ; while many others with better monetary resources do not escape the slums. But taking average cases there is no doubt

that a large number of the inhabitants of the smallest houses in the most overcrowded areas are there because of their poverty. They earn very small wages and frequently their working time is very broken.

(2) The recent considerable increase in cost of construction due to increase in the price of materials and to increase in wages.

(3) The high cost of land, which operates in two ways viz. : (a) in the past it has led to every available space being built upon, thus giving rise to the present problem of congested areas ; and (b) it makes it very difficult to build a better type of house with a smaller number of dwellings per acre for the poorer labouring classes in areas near their work at rents within their reach.

(4) The burden of the rates. Whether the incidence of the rates be on the house-owner or on the tenant, they tend to accentuate the housing problem by diminishing the profit of the builder and owner or by diminishing the amount of housing accommodation that the tenant can obtain for a definite sum of money.

(5) The prevalence of a low standard in housing. We cannot indicate the point better than by recalling the fact that London artisans who went to the Clyde in connection with the removal there of shipbuilding and other industries complained loudly and bitterly of the smaller accommodation of the houses available on the banks of the Clyde for artisans earning such wages as they earned—the type of house willingly occupied by the native workers earning similar wages

(6) The failure on the part of houseowners frequently to appreciate the responsibilities of ownership of small houses—letting houses which are no longer suitable for that purpose, and failing frequently to provide by a caretaker or otherwise for the protection of the well-doing tenants from the neglect and misbehaviour of the wilfully neglectful and ill-behaved.

(7) The excessive deliberateness of local authorities in using their powers of closing unhealthy dwellings,

amounts sometimes to an active dereliction of duty. On the other hand, the judicial authorities are frequently even more deliberate in allowing action to be taken. Both the local authorities and the judicial authorities are confronted, in this respect, with the difficulties of housing the displaced population elsewhere if the dwellings in question are compulsorily closed.

(8) The lack of various powers on the part of local authorities to make regulations regarding the interior of houses, etc.

(9) The habits, especially drunkenness, uncleanness, and destructiveness of some of the worst of the tenants; and their low standard of comfort.

It is necessary to examine very shortly but in more detail the following questions in relation to housing:—

(1) Wages, rents and cost of construction.

(2) The cost of land for houses.

(3) The public rates.

(4) The responsibilities imposed by the law at present on occupiers, owners, and local authorities; and the difficulties preventing the full performance of these duties.

Section II.—WAGES, RENTS AND COST OF CONSTRUCTION.

WAGES AND HOUSING.

It is alleged often that large sections of the working class do not desire better housing accommodation than that to which they have been traditionally accustomed. In the course of our inquiries, however, we have obtained abundant evidence that in the majority of cases this is not a complete statement of the facts. When a working man gains increased wages it is more common to find, if he is married, that a first consideration in the eyes of his wife is to try to get a better

home and a larger house. Of course, in some trades and districts, such as the mining districts and smaller towns, this force does not operate so obviously, as a choice of better houses is often not available. On the other hand, the desire on the part of the man to remain as near to his work as possible is also sometimes a counteracting force. This latter, to a considerable extent, is a traffic problem capable of being overcome, as exemplified in the case of London where it is no uncommon thing for workmen to travel many miles to their work. Special tramway construction with high speeds is a notable factor in the removal of this tendency to urban congestion.

As regards the prevalence of the tenement, those who have had experience of nothing better accept the present tenement housing conditions without complaint, but those who have had experience of the better housing conditions by means of the English cottages are ill-inclined to go back to tenements.

A principal reason why bad housing conditions are so prevalent lies in the cost of land and houses combined with the poverty of a large mass of the population which makes it impossible for builders to erect houses containing a reasonable amount of accommodation for this section of the population at a cost which will make the building remunerative on the rents they can afford to pay.

The man whose earnings are very low or irregular (on account of broken time) has sharply defined limits which he cannot exceed in the rent he can afford to pay, and although there has been a general rise in money wages within the last eighteen years yet among various classes of unskilled labourers the rise has been slight and in some cases has been more than counterbalanced by the increase in the price of food.

The Board of Trade Report (Cd. 6955, 1913) on the Cost of Living of the Working Classes for example, shows that the percentage increase in wages in the trades considered even between 1905 and 1912, was less than the percentage increase in the cost of food and coal. According to the investigations of the Board of Trade a working-man would require to spend

in 1912, about 14 per cent. more on food and coal, than he would have required in 1905, and it is estimated that the cost of clothing, etc., has increased in the same proportion. Since 1896, a year of low prices the increase in the cost of food and clothing has been 25 per cent.

Nor is it always kept in mind how large a portion of a labourer's total earnings must, of necessity, be spent on food.

In a Report recently issued by the Glasgow Corporation, for example, upon an investigation carried out by Miss Dorothy Lindsay into the diet of the labouring classes in the City, the condition of sixty typical families with varying incomes were inquired into, and the following table shows the percentage of income expended on rent and food :—

	Per cent. of income expended on		Per cent. of income. available for other expenditure.
	Rent.	Food.	
A.B.C. income regular above 25s. -	11·0	61·9	27·1
D.E. income regular under 25s. -	15·3	67·3	17·4
F.G. income irregular - - -	16·0	75·5	8·5
H. income irregular, father drinker	17·9	86·9	—4·8

(The letters, A, B, etc., refer to the classes into which the sixty families were divided).

Professor Noël Paton, in his introduction to the report, points out that where the income is under 20s. a week, or irregular, "even although three-quarters of their meagre income is expended on food, a sufficient supply is not obtained, and that the remaining fourth of the income is quite inadequate to defray the necessary outlay on rent, coals, taxes, insurance, etc., while absolutely nothing is left for amusements of any kind. The families in which the income is under 20s. a week entirely fail to obtain a supply of food sufficient for their needs." And he notes that, in the case of the poorer families, "waste was absent, all edible food was consumed."

We have had similar evidence from other sources relating

also to the cities. There is no doubt that increases in money wages gained by the lower-paid city workers, who have to spend as much as three-fourths of their wages on food, tend to be more than swallowed up by the increased cost of living ; so that these labourers under present conditions are not able to raise themselves to the improved standard of housing which is being imposed upon them by social usage, considerations for the general health of the locality, and legislative enactment.

It is different, sometimes, among the lower middleclass. We find there that the tendency is sometimes the opposite, namely, that the food supply of the family is limited in order to provide better housing accommodation. But among the poorest class the supply of food is, as a rule, the first consideration.

One other extract from a Report relating to Greenock may be given. It is from a statement made by the Sanitary Inspector (October 1911) :

The scarcity of houses for workmen whose wages do not exceed 20s. per week is such as, in my opinion, to be a menace to the public health. Overcrowding prevails to an alarming extent. As an instance of this, four families, consisting of sixteen persons, were recently found in a two-apartment house. In another case, two families, consisting of fourteen persons, were found occupying a single-apartment house.

In many parts of the town families occupy sub-let rooms, no fewer than eight families having been discovered occupying such rooms in a property containing twenty-four dwelling-houses, and three families in a property of similar size.

The whole modern tendency (as shown in an insistence upon better urban amenities, improved sanitation, more costly internal fittings, etc.) is towards diminishing the supply of the older type of cheap house ; without at the same time realising fully that this implies (and necessitates) increased money wages on the part of the class for whom the rent of such houses represents as much as they can afford to pay.

As pointed out by the Glasgow Municipal Housing Commission of 1904 :

It will be seen that a most important factor in the housing question is that of rental, and the correlative question of wages. To these related subjects the Commissioners directed very careful attention. In 1866, according to the City Assessor, there were 24,032 dwellings rented at £4 and under, or 27 per cent. of the total number of houses in the city, while in 1901-2 there were only 2,915 such houses, or 1·8 per cent. of the whole. In 1891 the average rental of one, two and three apartment-houses was £5 5s., £8 10s., and £14 respectively. The corresponding rental to-day is £6, £9 and £15, a rise respectively of 14 per cent., 6½ per cent., and 7 per cent. In these ten years the rise in the rental of the smallest houses, which presumably are occupied by the poorest class, is, it will be observed, fully double that of the others. This increase in rental, in so far as new houses are concerned, was explained to the Commissioners as being accounted for by (a) increased accommodation and conveniences, occasioned chiefly by statutory enactment; (b) increased cost of construction through the rise in wages and in the price of material; (c) increased cost of maintenance, not only owing to rise in wages, but owing to some of the expensive fittings which modern science demands being so frequently abused and destroyed by careless tenants; (d) by an increase in landlords' taxes, and lastly (e) by increased value of land, especially in the centre of the city.

For a period of years immediately preceding 1912, rents of working class houses in the large cities on the whole remained fairly stationary. This was the general tendency, although in some smaller towns, as a result of special circumstances, such as an influx of population, substantial rises occurred. During the same period, however, the costs of building were increasing—the money wages of tradesmen have gone up, the price of material has risen and money for the purpose of financing building has been dearer; the requirements of the Local Authority, etc., as well as the public demand for better internal equipment tend also to make the cost of construction greater; public rates have increased. This increase in the cost of construction combined with the inability of the working classes to spend more on house rent has put a check upon building. This has now extended so far that the demand for houses has increased recently more rapidly than the supply and the latest reports show that rents are now being increased—the increase being as a rule from 5 to 10 per cent.

At the present moment, with money becoming cheaper and having regard to the long period of depression in the building trade, it is not improbable that the conditions of building will become more active again.

The evidence establishes fully the importance of securing :

- (1) An increase in the wages of the labouring classes.
- (2) A reduction in the cost of houses.

This second consideration involves the various items entering into the cost of houses :

- (a) (1) The cost of construction.
- (2) The cost of the land.
- (3) The public rates.

COST OF CONSTRUCTION.

The various factors tending to increase the cost of construction have been mentioned already, such as larger and better ventilated and equipped rooms and better sanitation, the increase of tradesmen's money wages, the increased cost of money, etc.

All efforts to reduce the cost of construction are met with the difficulty that nothing should be done in any way to lower the standard of public health or social requirements.

On the other hand, buildings less substantial than the present, rooms possibly less high in cases where the number of rooms per house was increased, the use of cheaper building material, more skilful designing in some cases, a modification of by-laws as regards the paving and construction of the less used and less important streets, might be secured without a sacrifice of health requirements.

Something is being done (and much still can be done) under Town Planning schemes to reduce the cost of

construction to permit of cheaper and yet substantial and satisfactory dwellings.

Buildings are at present erected of such substantial structure that in many cases they outlast their time, with the result that old buildings still remain substantial in structure while they frequently are quite unsuited to modern requirements or for the purposes for which they are now desired. We recognise this raises very difficult considerations of a technical nature for consideration by architects and builders ; and it is in regard to cottages in particular (of which we hope that largely increased numbers will be built in future) that the following remarks are made.

We have been greatly impressed with the desirability of future building schemes around the cities and towns providing for the erection of greater numbers of cottages instead of tenements.

A modification of existing burgh by-laws relating to the width of streets and roadways requiring to be paved would in some cases be of assistance in reducing cost, as would also a departure from the habit of erecting stone and lime boundary walls round cottage sites when light railings or hedges would serve the same purpose. The more general adoption of brick and rough cast instead of stone in buildings would also operate in the same direction. In some places there is a strong prejudice in favour of stone, but it is the view of builders of experience in both classes of work that brick and rough cast is at least as satisfactory and durable as the average stone building at present constructed. It is possible, also, that the requirements as to height of rooms and thickness of walls, might be modified as regards cottages, with a view to securing a reduction of the capital cost. It has always to be remembered that even such provisions as securing the maximum cubic space in rooms and cottages can be overdone, as a small bedroom with the window open is probably more healthy than a much larger bedroom used with the window closed. In many cases, with the number of rooms per house so small, it would be a greater advantage if an additional room could be provided, even if the height of a present large room was

slightly reduced. Cleanliness, adequate ventilation, and absence of damp are of the utmost importance in rendering the cottage healthy, and it is doubtful if this point, in contrast with requirements as to cubic space, etc., has been allowed sufficient recognition in the past. With cheaper construction a cottage house consisting of a living room and three small bedrooms with scullery and water-closet could be provided as cheaply as a workmen's two-apartment tenement flat.

COST OF BUILDING COTTAGES.

It is commonly stated that a five-roomed cottage, which can be erected in England at a cost of £250, costs in Scotland £450, and this is frequently said to be a reason why there is not a larger development of cottage building and garden cities in Scotland.

Various explanations are given for this, the principal being (1) that the climate has made customary in Scotland the erection of a heavy type of building, with thick walls and generally very solidly built; (2) that the feu system, in contrast with the leasehold system, encourages this tendency of building a very permanent structure, as the person who erects the building is secured permanently in its possession; and the superior, also, in order to increase the security for the feu duty, generally stipulates for the erection of solid and permanent structures; (3) that builders in Scotland are experts in tenement building just as builders in England are experts in cottage building, so that each from long experience can erect his own type of building cheaper.

The cost of construction of a cottage decreases practically in the same ratio as the cubic contents of the building are reduced, so that efforts might be made to eliminate wastage of space within the dwelling, such as a large lobby and staircase. The utmost care in questions of detail is necessary if the cottage of the minimum capital cost is to be secured, and this subject has formed the matter of much discussion among housing experts. Progress is being made towards the evolution of a cheaper cottage.

Mr. J. P. Macmillan, architect, Aberdeen, for example, has given examples of cottages erected in the north-east of Scotland, where the climate is rigorous, at a capital expenditure smaller than is generally stated to be necessary. (The utmost attention was given to securing economy in every detail of building.) The following are a few examples:

Where built.	Details of accommodation.	Floor area sup. feet.	Height of floors. ft. in.	Total cost including surveyor and architect's charges, rates, etc.	Cost in pence per cube foot.	Distance from railway station (average) in miles.	Distance of stone quarry from site in miles.	Annual fee duty.
No. 1. Cottages in Victoria Street, Stonehaven (Kincardineshire).	Parlour -	147	9 6	£240 each	5½d.	1	2½	45s.
	Living-room	178	9 0					
	Scullery	36	6 6					
	2 bedrooms (average)	132	8 0					
	Bathroom	—	—					
No. 2. Cottages for farm employees at Kingsseat New Machar for the Aberdeen City District Lunacy Board (Aberdeenshire).	Drying loft	108	8 6	£190 each	4½d.	1½	8	38s.
	Living-room	—	—					
	Back kitchen and scullery combined	65	8 6					
	Bedroom	135	8 0					
	Bedroom	110	8 0					
	Store	35	8 0					
	Bathroom	—	7 0					
	Parlour	196	9 6					
No. 5. Cottages Dunnotar Avenue, Stonehaven (Kincardineshire).	Kitchen	115	9 6	£212 each	4½d.	1	2½	38s.
	Scullery	43	7 0					
	Bedroom	113	8 0					
	Bedroom	108	8 0					
	Bed-closet	75	8 0					
	Bathroom	—	6 6					

Where built.	Details of accommodation.	Floor area sup. feet.	Height of floors.	Total cost including surveyor and architect's charges, rates, etc.	Cost in pence per cube ft.	Distance from railway station (average) in miles.	Distance of stone quarry from site in miles.	Annual fee duty.
No. 6. Cottages, Silver Gardens, Stonehaven (Kincardineshire).	Parlour	150	9	£235 each	4½d.	1	2½	52s. 6d.
	Living-room	170	9					
	Scullery	46	7					
	Bedroom	140	8					
	Bedroom	131	8					
	Bedroom	69	8					
No. 7. Cottages, Cathcart Street, Bucle (Banffshire).	Bathroom	—	6	£335 each	5½d.	1	10	45s.
	Parlour	204	9					
	Sitting-room	150	9					
	Kitchen	80	9					
	Bedroom	195	8					
	Bedroom	113	8					
No. 8. Village Cottages, Cornhill (Banffshire) (Terrace of four.)	Bedroom	85	8	263 each	3½d.	1½	5	25s.
	Bathroom	—	7					
	Parlour	168	8					
	Living-room	168	8					
	Bedroom	144	8					
	Bedroom	144	8					

A Glasgow builder has erected four-apartment cottages in Scotstoun at a price of £230 each. They are built on front of facing brick; on back with ordinary brick rough cast. Each house has 15 ft. 6 ins. of frontage, and measures 26 ft. over walls, with oriel window in front living-room, and with scullery near back living-room fitted with fireclay tub and sink, and with gas washing boiler; also bath-room upstairs with porcelain enamel bath, earthenware basin and closet (w.c.), together with copper tank, boiler and circulating pipes. There are grates in all rooms, and the price included wood fences, drains and adequate paths, but no expensive streets.

It is well to remember also that present costs of building cottages in Scotland should not be taken as representing the future possibilities of cottage building in Scotland. At the present time, no doubt, cottage building is generally cheaper in England than in Scotland. Bricks are more plentiful and cheaper, and the brick-layer is an English product. In cottage building, too, there are a number of minute details, to each of which close application and very considerable attention need to be given. The Scottish tenement builder can build a tenement cheaper than the English cottage builder, but the English cottage builder can build cottages very much cheaper than the Scottish tenement builder. If, however, the practice of brick cottage building in Scotland were to grow there is no doubt that the Scottish builder would become just as expert in "weaving" cottages as his English brother, and would do so just as cheaply.

Cost of Money.

So much is said about the increased cost of financing building operations by builders, and of the resulting increased cost of construction, that a word on this subject is necessary.

During the recent period of dear money and the great boom in trade, builders have undoubtedly experienced difficulty in securing mortgages and loans on as favourable terms as formerly. This has had the greater effect, as builders finance their operations very largely by short period loans.

In addition, there has been much less activity in the property market generally. More difficulty has been experienced in raising loans on existing properties, and higher rates have had to be paid.

The following is a statement by one of the largest dealers in property in Scotland:

The price of money is an important factor. Lending upon such security has become unpopular as an investment, consequently the supply is limited, and the rate of interest has increased 30 per cent.

I was looking for a large loan a few days ago upon a first-class heritable security, and enquired at a very important firm of solicitors if they had any trust funds for investment. I was informed that they had several large sums, one trust alone having £500,000, but the trustees had decided to lend none of it upon heritable property in this country (most of this money being sent abroad). For many years the bond or mortgage over the property referred to was held at a rate of interest of 3 per cent. To-day we are trying to arrange it at 4½ per cent., but so far have not been successful. This is not an isolated case, as I can cite scores of such cases.

Three very important considerations, however, have to be kept in mind :

(1) A good deal of money, which, ten years ago, would have been available for property purposes in this country has been attracted recently to Canada and other countries where there has been a boom in urban property, and higher rates of interest are obtainable.

(2) The recent depression in all capital values has exercised an influence as regards urban properties generally. It would be astonishing if while the value of consols and other gilt-edged securities depreciated as largely as they did, urban property should have been free from any depreciating force.

(3) The various commercial interests concerned in dealing with urban land, the using of it, the raising of loans in respect of it, and building on it, have been affected by these influences in a marked degree. It is not always realised that the conditions of the building boom of ten or twelve years ago were abnormal in the same sense as the depression of the last few years is abnormal.

A true estimate has to average, and when this is done, and account taken of the effects at the crest of the wave as well as at the foot of the depression, it does not appear that the professions or industries connected with urban land have more cause of complaint than the great majority of other enterprises. With the prospect of money becoming cheaper in the

immediate future, it is not unlikely that the worst of the period of depression has been passed.

The most recent reports are that rents throughout the urban areas are rising, and that in many cases the supply of houses is short of the demand. The relative over-production of the building boom has been largely exhausted; and as the increased cost of building, both as regards material and wages is making new houses dearer, the tendency is for existing rents to rise and therefore for properties to improve in value.

Section III.—COST OF LAND.

There is land available round practically all the Scottish towns for building if persons can be found willing and able to pay the feuing rates. These feuing rates are largely dictated by the owners.

In this connection it may be mentioned that at the annual meeting of the Edinburgh Guildry in November, 1913, the retiring Lord Dean of Guild referred to the fact that building was stagnant, and only some thirty dwelling-houses had been built during the year. The Lord Dean of Guild pointed out how the high price of land contributed to this. He made an appeal to owners of land to consider seriously how far they could advance the problem by providing moderately-priced sites. Land, he said, was being obtained now in the neighbourhood of Dunfermline at rates varying between £10 and £20 per acre per annum, and if Edinburgh desired to have a share in the coming prosperity it was time that landowners offered ground at similarly attractive rates. Edinburgh, he it noted, has 114,000, or 37 per cent., of its population living in houses of one or two rooms, mostly crowded into the mean and ugly tenements which are typical of the slums.

Town planning schemes are greatly handicapped unless land can be acquired at cheap rates. A material cause contributing to and perpetuating the system of tenements crowded densely together is the high price of land.

Encircling our large cities, for example, is a belt of land which, though it may be yielding to its owner no more than £2 to £3 an acre as agricultural land, the owner will not part with for building purposes except at from £40 to £120 an acre.

per annum. This belt of high priced land hems in the population like a wall. There is no doubt that if the natural spread of population were not thus restricted town life would be healthier both physically and morally, and that darkest blot on our cities—the slum problem—would be more easily removed.

Many builders have reported that the high price of ground has compelled them to erect tenements, although the demand for cottages or semi-villas is increasing, and where these can be built for a reasonable sum with a proportionately small rate of feu-duty they are occupied as quickly as built. In fact, in the large towns, the demand for them exceeds the supply. Builders, however, report that if the ground costs more than £20 to £30 an acre per annum they cannot profitably build cottages, and where more than that is demanded by the land owner it becomes necessary to erect tenements.

Where land in the vicinity of the largest towns has been placed on the market at rates not exceeding £25 an acre per annum, it has been taken up rapidly for cottages, while if £60 to £100 an acre per annum is required the land must remain vacant until the pressure of population produces a demand for tenements. This may be illustrated by an example from the suburbs of one of the large cities. Side by side in that suburb there are two extensive areas of ground. For ten or fifteen years building has been going on at a steady pace on the area further from the city, and these buildings consist of cottages and semi-detached villas, while the area nearer the city is only now being built upon, and the buildings consist of tenements. The reason for the difference is that the owner of the former area has been feuing off his land at about £25 per acre per annum, while the rate demanded by the owner of the latter area is from £70 to £100 per annum. With such a rate only tenements could be built, and the land was not ripe for tenement building until now. If it had been available at the same rate as the other area, there is no doubt that it would have been built over with cottages and villas; for while the situation is not less attractive it is within easier reach of the centre of the city.

This effect of high feu duties is not confined to our largest cities. The same point may be illustrated in the case of Inverness. About forty years ago the lands of — outside the municipal area of Inverness were opened up for feuing at £10 per acre. They were rapidly built up with superior workmen's houses, mostly detached and with large gardens. About the same time the lands of — were opened up, the feuing rate being higher, reaching as the demand rose, to from £40 to £45 per acre. These lands only became fully built upon about ten years ago, and the district is now a congested area, the streets being narrow, and the gardens reduced to a minimum. These lands are in close proximity to the town, and in a much better situation from the point of view of drainage, lighting, cleaning, etc., and, in fact, in every respect.

On the outskirts of the rapidly-developing burgh of Clydebank, where, as already stated, a dearth of houses exists, there is a large tract of land presently let for farms. When wanted for feuing for building the proprietors are asking £30 to £40 per acre per annum, at which price it only pays to build tenements, and there is a growing demand for cottage houses. This land is at present rated at about £2 per acre per annum.

The serious housing problem in Greenock also is partly attributed to the high price of land for building.

In Dumbarton in some cases the feu duty is as high as £60 per acre per annum for tenements, while slightly further out the feu duty is £20 to £25 per acre per annum for ground for semi-villa property. It is reported that builders would prefer to build cottage property, as there is an increased demand in the district for this class, but they consider that the price of the ground prohibits any but tenement buildings being erected, and it was further suggested that this difficulty of obtaining ground at a price suitable for building cottage property was a cause of the slackness in the building trade.

It is stated that there is actually no "holding up" of land because owners are generally willing to feu. It is true that in the larger towns land can always be feued, but the feuar must be willing to pay the superior's price; and if a landowner sets so high a figure upon his land for feuing that it acts as a check upon building and development, then there is virtually "holding up."

The exact facts about this holding up of land should be noticed. In very many cases there is practically no difficulty in arriving at a price for land. When it is known, for example, that an important industry is on the outlook for a

site, there is often keen competition on the part of proprietors to secure a customer.

The central point is that the landowner is naturally anxious to feu his land at as high a figure as possible and does not want to give it off at a lower figure. He may even be very anxious to feu it at his own figure regardless of the capacity of builders and others to pay that amount. This retention of land by the owner until these high feuing rates are paid is itself a main factor in producing that pressure of population from which the landowner reaps the benefit.

As regards land for housing the tendency is that the value of the unbuilt-on land in the suburbs is regarded by the landlord as determined by the value of the neighbouring land that is built on. As a rule in the neighbourhood of the large towns the built-on land is covered with blocks of tenements and the land on which they stand was feued at high values. Consequently the tendency is for the landowner to insist on similarly high values for any unbuilt-on land in the same neighbourhood regardless of the diminution in the strength of the demand. This leads to an artificial strengthening of the ring of high priced unbuilt-on land that hems in the growth of the towns.

Two causes, on the other hand, have operated in recent years to make less likely on general economic grounds so great a demand at the highest figures.

(1) The general decline in capital values, the increase in the cost of money and the other causes which have operated as a set-back to the building industry.

(2) The rapid improvement in transit facilities which has tended to spread the population over a wider area, causing accordingly generally increased values throughout that wider area rather than the aggregation of a high value in portions of it.

Throughout the urban areas of Scotland generally there has been a set-back in the property market within the last ten to fifteen years. This decline in capital values has, of course, not been confined to this one class of property, and it does not necessarily connote a decline in the rental value of property. On the other hand, owners are inclined frequently

to look back to the inflated value of the past as their standard, and, if they can retain the land, they are reluctant to part with it at a lower figure. Further, though the modern facilities of transit have extended the area of land available for building, owners and valuers have not generally taken the new conditions into account, and by taking the standard of value in the past when the population required to be closer together they are led to place a figure upon their land which frequently is in excess of its true value.

It is sometimes stated by owners that, when compound interest is taken into account, even the highest prices charged are not unreasonable. Thus, as money doubles itself at 5 per cent. compound interest in a little over fifteen years, they say that they are justified in asking now double what the price would have been fifteen years ago. It is, however, to be pointed out that the converse also holds true and that if an owner had feued fifteen years ago at one half the rate which he would obtain to-day it would have paid him as well, taking into account the addition of compound interest. Further, it is to be noted that in general the land has all along been earning revenue either as agricultural land or as let for some temporary purpose. It is therefore incorrect to take into account compound interest as if the money invested in the land were not earning any revenue.

There are indications that the property market is improving. In many instances, however, land is being offered to-day at a lower rate than some years ago, when the last building boom was at its height. For example, in the burgh of Irvine, where the burgh's lands were formerly offered at feu duties of 2s. and 2s. 6d. per pole, they were offered recently at 1s. per pole, or £8 per acre per annum. In Shettleston and Gevan also, land suitable for blocks of good class workmen's houses has been offered recently at prices of 2s. to 2s. 6d. per yard, whereas, some years ago, prices would be three times as much. The depression in the building trade within recent years has had an influence in reducing the price, and in some instances, holders of land have been anxious to secure more active building operations on their land.

Another point of importance is that a buyer often wants a site at one particular place or in one district, and it is not an adequate answer to tell him that sites are available elsewhere though not where he wants one. So long as the refusal is based on considerations of maintaining the amenity, etc., for the public advantage it is probably a good one, but where it is due to the arbitrary and unreasonable action of possibly one man the case is different.

On the whole, there is no doubt that the high prices at which land is available do, in fact, retard industry, and have a serious effect on the housing question.

Section IV.—THE BURDEN OF THE RATES.

In addition to the cost of the land and the construction of the buildings there is added the burden of the rates, which makes a considerable increase in the cost of housing accommodation and consequently diminishes still further the profitability of supplying houses for the poorer class.

The following comparative statement, prepared by the City Assessor, Glasgow, shows, for example, for the years 1890-91, 1911-12, and 1913-14, the burgh rate of assessment levied on dwelling houses in some of the larger burghs in Scotland.

The following are the rates of assessment per £1:—

COMPARATIVE STATEMENT SHOWING, FOR THE YEARS 1890-91, 1911-12, AND 1913-14, THE RATE OF ASSESSMENT LEVIED ON DWELLING-HOUSES, AND THE YIELD OF 1D. PER £ IN 1912-13 ON ALL SUBJECTS IN THE BURGHS NAMED IN SCHEDULE II. TO THE BURGH POLICE (SCOTLAND) ACT, 1892.

Burgh.	Rate of Assessment per £.			Increase over 1890-91.		Yield of 1d. per £ in 1912-13 on all subjects.	
	1890-91.	1911-12.	1913-14.	1911-12.	1913-14.	Owner.	Occupier.
	s. d.	s. d.	s. d.	s. d.	s. d.	£	£
Glasgow	3 0½	4 1-60	4 7-88	1 0-815	1 7-005	29,224	24,997
Edinburgh	2 5-5	3 11	4 0-5	1 5-5	1 7	12,033	11,806
Dundee	3 3½	3 11½	4 1½	8	10½	3,792	3,534
Aberdeen	3 3-95	4 1	4 0-5	9-05	8-55	3,770	3,770
Greenock	3 8½	4 5-66	4 2½	9-16	7½	1,766	1,571

The Poor and School Rates have also shown in general a steady rise.

In Glasgow the Poor and School Rate per £ was:—

	Owners.	Occupiers.	Total.
In 1890-91	8½d.	9½d.	1s. 6d.
In 1911-12	17½d.	20½d.	3s. 1½d.
In 1913-14	21½d.	23½d.	3s. 8½d.

* For an older property the repairs would probably average 20 per cent.

This £9 8s. 8d. is the sum available to provide a return on the capital cost of the building. The government valuation (which the owner considers a fair one) is £200 as the building value of the house, thus showing a return of less than 5 per cent.

The item of rates (£5 17s. 10d.) is a very considerable factor, amounting as it does to almost 30 per cent. of the total annual cost to the tenant.

Section V.—THE POSITION OF (A) OCCUPIERS; (B) OWNERS; (C) LOCAL AUTHORITIES.

It is necessary to keep in view the position of each of the three parties directly concerned, namely, the occupiers of the house, the owners, and the local authorities with a view not only to elucidate causes but to indicate remedies. The varying degrees of responsibility of these three parties will now be considered.

A.—THE OCCUPIERS.

The occupiers of slums and overcrowded areas comprise not only the decent well doing people whose poverty compels them to live in such surroundings, but also a certain proportion of people of careless and irregular habits or of low character, or with the least regard for their own or their neighbours' personal comfort, including those leading a dissolute or criminal life (some of them possibly brought to that condition to some extent by their environment). This class of "undesirables" shares with the owners the responsibility for houses which are in a bad state of repair or in a filthy condition. We are convinced that, in dealing with housing reform, it is necessary to recognise the existence of a class of people whose habits are such that, if left to themselves, even though given decent houses these would gradually become dirty and dilapidated: and there is no doubt that the improvement of the habits of these people and the elevation of their standard of comfort as well as of morals is an important factor.

In any scheme of housing reform in the large cities special provision must ultimately be made for this "undesirable" class. The mere demolition of existing slums will only transfer them to other properties, and if their habits are not improved, or if they are not strictly controlled, it would appear that they will gradually bring these properties down to the level of slums.

The Glasgow Municipal Housing Commission, for example, recommended that an experiment should be made by the Corporation in the erection of a building or buildings on lines suggested by the City Engineer of a cheap and simple character to be reserved for those who, though not able to show any factor's line or other certificate, are willing to submit to necessary regulations as to cleanliness, respectable living, order and punctual payment of rent, with a view to re-habilitating their characters and in time qualifying for better houses. They recommended that the houses should be of the plainest construction with indestructible fittings, and should be capable of being quickly and efficiently cleansed, and with the view of cheapening the construction they recommended that some relaxation of the building regulations should be made.

In his evidence before this Commission, Mr. John Mann, Junior, C.A., Secretary of the Glasgow Workmen's Dwellings Company, Ltd., advocated a similar scheme for dealing with this class. His suggestions were that the Local Authority should build shelters or homes for the class indicated, who would be driven out of their houses by stricter administration. He expressed the view that the mere existence of such homes—even if they stood empty—would remove all excuse for hesitation in enforcing the existing law, and would put an end to misplaced leniency of administration in the repression of overcrowding, the closing of uninhabitable slums and the clearing of insanitary areas. A very few experimental blocks would probably suffice, each built in a different congested district. The structure would be plain but of the stoutest materials, easily cleaned and disinfected with a minimum of fitting and maximum of strength, each block sufficient for one resident caretaker and his wife to control, and no more; probably on the balcony system, and therefore easily inspected and well lighted at night. There would also require to be strict management and control of these houses. The view is that, after a probationary period in such houses, many of the tenants would, through the supervision exercised and the educative influences brought to bear upon them, improve in their habits and qualify for better houses.

We consider that provision in this manner will have to be made ultimately by local authorities in the large cities. If such houses were provided it would be easier for the Local Authority to enforce its powers of compelling the closing up and demolition of uninhabitable dwellings and of repressing the overcrowding of the individual houses.

B.—OWNERS.

It is also to be noted that overcrowding is not only a tenant's offence, but an owner's offence, for in cases of repeated overcrowding there is power to close a house (*see* Public Health Scotland Act, 1897, Section 76). That power has not been exercised to any extent, but it might be an effective aid to the Local Authority in dealing with the overcrowding problem. Every case of overcrowding should be brought to the notice of the owner and this would lead to the owner bringing pressure to bear upon the tenants. If the overcrowding be persisted in the owner can eject the tenant, otherwise he himself becomes liable for the offence. Where overcrowding is allowed higher rents can be obtained than otherwise, and there is thus a temptation to the owner who is unscrupulous or indifferent to allow overcrowding to go on. Overcrowding should be made unprofitable both to the owner and the tenant by strict enforcement of penalties.

Important amongst other causes of bad housing conditions, is the action of proprietors in continuing to let for domestic occupancy houses no longer suitable for that purpose, and in failing to provide, in the case of the poorest tenements, a caretaker to protect well-doing tenants from the neglect or misconduct of the ill-behaved. There is no doubt that a good deal could be done by strictly enforcing the responsibility of owners. To provide a house which is unfit and insanitary is at least as serious a menace to public health, and as much an offence as the selling of food which is unfit for consumption, and it is suggested by some that it would be a useful provision if owners of uninhabitable and insanitary houses were subjected to prosecution in addition to

having their property condemned. If an owner after being warned still continues to let for habitation a house unfit for the purpose, then it is argued, it is as just to punish him as it is in the case of the purveyor of adulterated food.

The Law has recognised the principle that whatever the amount of rent paid for a dwelling house may be, the house should be fit for a human being to live in. This principle has been extended by Sections 14 and 15 of the Housing and Town Planning Act of 1909. These sections make it an implied condition in the letting of any house of a rental not exceeding £16 that the house is at the commencement of the tenancy in all respects reasonably fit for human habitation, and also that during the tenancy it shall be kept by the landlord in all respects reasonably fit for human habitation. If these conditions are not complied with, the Local Authority has power to compel the landlord to make such repairs as are necessary, or, failing that, to carry out the repairs themselves at the landlord's expense. There is no doubt that there are a great many houses regarding which this power might be exercised. We have obtained abundant evidence as to this. It is corroborated from other sources, also. The Medical Officer for the city of Glasgow, for example, declares that there are ten thousand uninhabitable houses in that city, and Councillor Morton, Convener to the City Improvement Trust, has stated that there are ten thousand more on the verge of being uninhabitable. The result of not strictly enforcing the powers available in regard to defective houses is to give slum properties an inflated value. If a strong policy were adopted and persistently carried out defective properties could be acquired, either for demolition or reconstruction, at much lower prices than prevail where there is a laxity in the administration of the provisions applicable to them.

It would be a useful provision also if the names and addresses of the owners of these properties were registered and liable to publication. At present in many cases the only names which are known are those of the factors or trustees. Where factors

are dilatory or neglectful in complying with police and sanitary warnings and requirements, the real owner should be communicated with, and where necessary he should be prosecuted. The effect would be salutary in bringing home to landlords their responsibility.

C.—LOCAL AUTHORITIES.

Local Authorities in the past have had difficulty in making full use of the legislative powers which they had to clear the slum areas, and have been reluctant to do so. The first two classes of defects which have been referred to, congested situation of buildings and inherent defects in structure, can be remedied by action on the part of the Local Authority in enforcing demolition and reconstruction. This reluctance to enforce strictly the provisions available is sometimes attributed to one or other of the following causes, viz. :

(1) Legal difficulties occurring in the interpretation of enactments so that the intention of the legislature has to some extent been defeated. In such cases amended legislation is required. It is the view of local officials that the standard adopted by the law courts is lower than the official standard, and that although the Medical Officer of Health may consider a property unfit for habitation the Court may take a different view. It has been suggested that in cases under the Housing Acts it would be an improvement if the appeal from a decision of the Local Authority went to the Local Government Board for Scotland. The question at issue, could, as a rule, be determined more satisfactorily, cheaply and expeditiously by a personal inspection on the part of an expert, instead of having as at present the evidence and counter-evidence of expert witnesses submitted to a Court of Law. We are of opinion that the appeal should be to a Government department.

(2) The absence of accommodation elsewhere for the inhabitants of houses that may be demolished and the impossibility, through the high price of land in central

areas, of housing the dispossessed in the vicinity. It is the view of many well-informed people that considerable sections of the working classes must be housed in the centres of population near their work. The very early hours at which men begin work in ship-building yards, iron works, etc., is suggested as an explanation, but it may be remarked in passing that some of the shrewdest business men question the value of the work done in these yards before breakfast, and consider that as good results could be achieved if work did not commence till after breakfast. It is impossible to provide houses for the poorer classes in the centres owing to the high price of land. The Glasgow City Improvements Trust manager, for example, and also the City Engineer consider that the limit which it is possible to pay for land even to erect high tenements for the poorer working classes is 15s. per yard. The Glasgow Workmen's Dwellings Company, Ltd., also have found that when ground costs 20s. a yard they cannot undertake a housing scheme on a low scale of rental. We do not consider, however, that the contention that the labouring classes must be housed quite close to their work has as much substance as is commonly alleged. It did have more weight when the means of transit were slower and more costly, but at the present time a great many workmen travel long distances to their work. For example, large numbers of workmen living in Bridgeton in the east end of Glasgow travel by rail to the works of the Singer Manufacturing Company, a distance of seven miles. We are of opinion that the remedy for the housing problem in the large cities lies rather in the direction of providing houses in suburban areas where land is cheaper and the surroundings healthy, coupled with the provision of cheap travelling facilities.

(3) The reluctance to burden the rates. Improvement schemes generally mean a substantial addition to the local rates, especially having regard to the high cost of land and the various other high costs incidental to improvement schemes. Within recent years local rates

have been rising very rapidly and local authorities are pressed strongly to reject any scheme which may mean a further addition to the rates.

There has not been a great deal performed recently in carrying out large improvement schemes for this reason. Commenting on this tendency, as regards Glasgow, Mr. J. P. Maclay, a former member of the Corporation, stated that :

So far as he could make out, it was for no other reason than economy—false economy. The improvement rate of the city under the old Act was $\frac{1}{4}$ d. per £1, and under the newer Act it was only a fraction of $\frac{1}{4}$ d. It was perfectly impossible for any Corporation to improve the conditions of our city life if the rate was maintained at that level. There was no justification, in his opinion, for aiming at economy of that kind, and allowing the people to rot and die. He believed, rightly or wrongly, that the city of Glasgow had practically declared that they did not intend to spend money, that they were going on the basis of shutting up undesirable houses, and compelling men who had bad houses to improve them. He thought it was a mistaken policy for the city to take up a position like that. With regard to old houses being improved, he thought the Corporation would have gone along a much happier line if, instead of trying to deprive many poor people of the small living they got from many of these small houses, they had gone forward in a free and liberal way and perhaps, by four or five years' purchase, acquired these houses. The population of the City was over a million inhabitants, and, if he mistook not, 1d. in the £1 represented something like £30,000. What was that expenditure to a city like Glasgow? He was satisfied that if about half a million was spent it would go a long way toward shutting up undesirable habitations in Glasgow. The time had come for a forward movement in that way.

We are of opinion that the unwillingness to incur expenditure on improvement schemes (even when these are admittedly necessary) is due in large measure to the high price of land and to the enormous costs (in compensation claims, fees of every description, etc.) involved in carrying them through. For example, under the Glasgow Improvement Act of 1866, the Improvement Trust paid prices varying from £4 10s. to £11 10s. per square yard, that is from £21,800 to £56,000 per acre, for ground and buildings, including compensation for

disturbance—the buildings for the most part being largely only for demolition.

We have no doubt, however, that with the cheapening these costs (as recommended in this Report) and the provision of further financial assistance from the State considerable progress will be made. Once the conditions on which public improvements can be carried out are made more reasonable we have little doubt, that the great public spirit of the municipalities of Scotland will see to it that improvement schemes are initiated and carried through. It is a work of social betterment in the furtherance of which religious and philanthropic bodies might also give notable assistance.

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CHAPTER XXXI.

THE UNOCCUPIED HOUSE.

In some cases congestion and over-crowding co-exist with an apparently ample supply of houses. The following table for example, prepared by the City Assessor, gives the number of unoccupied houses in Glasgow of one, two and three apartments at Whitsunday 1913, as :

Size of house.	No. occupied.	No. empty.
One apartment - - - -	37,236	3,800
Two apartments - - - -	102,771	9,762
Three apartments - - - -	40,929	2,731
	180,936	16,293

In the Cowcaddens Ward (the most densely populated) the figures are :—

Size of house.	No. occupied.	No. empty.
One apartment - - - -	1,553	453
Two apartments - - - -	3,535	640
Three apartments - - - -	1,270	204
	6,358	1,297

In considering these figures it is, however, to be observed that the empty houses include the *uninhabitable*, so far as these have not been closed under a Closing Order. According

to the estimate of the Medical Officer of Health, based on survey of fifteen City Wards (i.e., all the Wards except those in which the death-rate never exceeds the city death-rate) there are 10,000 uninhabitable houses in Glasgow, and the convener of the City Improvement Trust states that other 10,000 are on the verge of being uninhabitable.

Edinburgh also shows an apparently large number of empty houses.

In the larger cities there may be a considerable number of empty houses in certain districts which have become undesirable from a residential point of view, while the more popular districts may at the same time show a shortage of houses.

There is a difficulty in many cases in getting tenants for old-fashioned properties, especially in the cases of houses above the level of the poorest class, as the tenants very frequently prefer new houses to old, on the ground very often of better sanitary conveniences, better water facilities, better light and better arrangement of rooms, and a more suitable neighbourhood.

It is too often thought that any space contained within four walls is a desirable house for occupation by tenants, and too little importance is attached to the tenant's point of view in preferring a new house with desirable facilities to an old house which may be better in some ways though it is not so much to his liking. The same preference exists as regards localities.

It is curious to find this point of "once a house always a house" insisted on more in regard to housing than in regard to other classes of property. A terminable life is put on most forms of property, and an appropriate sinking fund established in respect of it. It is frequently very difficult to realise any value at all on such things, for example, as second-hand motor cars, second-hand bicycles, etc.

Property owners generally declare that in most cases it is not practicable at present to secure in the rent charged for the house a sufficient payment in respect of sinking-fund to extinguish the cost of construction in, say, forty years, and

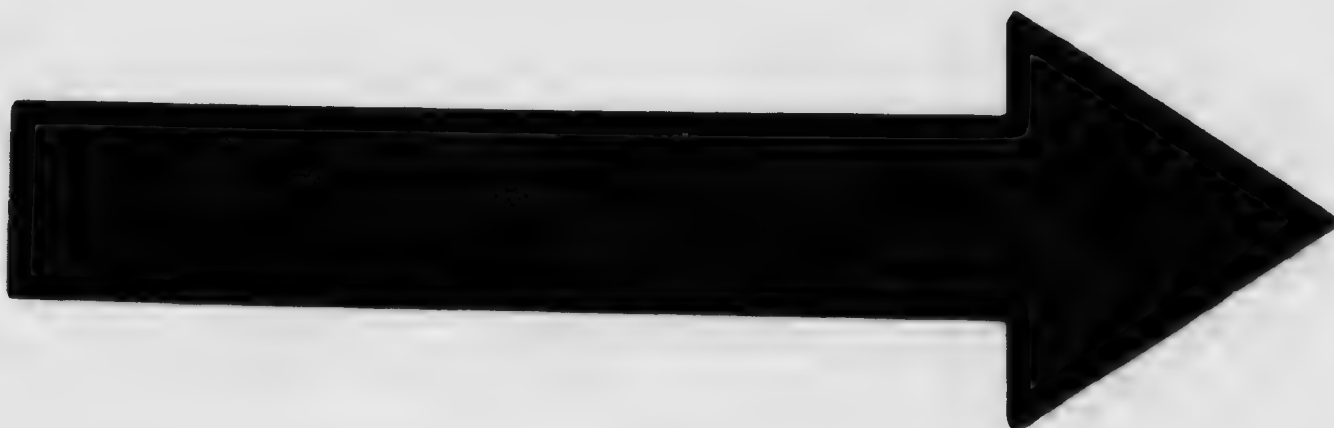
the result is that the durable house which is not very much in demand and has clearly outlived its day is a common feature in towns.

It appears that in most cases, builders and investors have not made sufficient allowance for this ; so that house property has often been purchased at prices on the erroneous assumption that the net annual return is wholly income. The investor in house property who treats his net annual return as income finds frequently that the capital value of his house property has depreciated and considers this a hardship, forgetful that by neglecting to take depreciation into account he has been in fact eating into his capital.

The change of fashion and desirability is active also in regard to houses, especially since the improvement in transit facilities has enormously enlarged the areas within reach of urban populations, and apart altogether from the question of houses being habitable on sanitary grounds, it is often very difficult to secure a tenant for a house on account of this change in opinion as to its desirability.

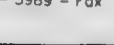
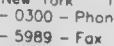
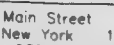
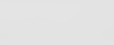
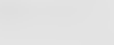
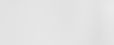
From this point of view, also, there would be advantages if houses could be made of less expensive material, as it is only too obvious that in very many cases they at present outlive their full usefulness.

In the largest old-fashioned houses in the principal towns where there are rooms below the level of the street, also, it is increasingly difficult to get servants so that such houses are losing in value and are clearly out of fashion as regards present day requirements.



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



CHAPTER XXXII.

MINERS' HOUSES.

In various mining localities, especially in the old "rows," miners are living under conditions that are as bad as are found anywhere in Great Britain, with the possible exception of South Wales.

As a rule the worst conditions are found in association with some of the oldest mines and where houses have been erected prior to the institution of Building By-laws by the County Authorities under the Public Health (Scotland) Act 1897.

As regards miners' houses which are being erected at the present time, matters are somewhat better, because, in addition to the requirements of the local authority and conformance with its by-laws under the provisions of the Public Health Act, there is also now a real desire on the part of many of the mine-owners to secure better housing accommodation for their workers: *e.g.*, new miners houses at Kellerbank, Kirkconnel, Dumfriesshire, at Valleyfield, Fife, etc.

We have obtained a large amount of evidence about the conditions of mining "rows" and villages.

The outstanding features are:

(1) Miners are housed largely in "rows," in the neighbourhood of the mines. These houses as a rule are of one or two apartments. They are frequently in very bad condition being damp and having no proper flooring, or proper ventilation. The absence of coal houses and wash houses make the conditions of life worse; a common habit being to store the coal under the bed and the washing of clothes has often to be done in the open. The worst defect is in the sanitary arrangements, the prevalence of the common closet which so frequently is in a filthy condition owing to the worst tenants

not observing their duty of cleaning it in their rotation. Filth is frequently thrown down outside the houses and not properly cleared away. The paths and ground round the house are often in a very broken and unsatisfactory condition and, where the floors of the dwelling are below the level of the ground which in wet weather is a puddle, the houses are extremely damp.

It is undoubted also that this habit of living in "rows" in a certain isolation from the rest of the population contributes in some degree to the continuance of the existing standards and to less readiness on the part of the tenants themselves to insist on better housing conditions. As a rule no such better housing conditions are available.

(2) The worst conditions are found in the case of the old dwellings erected before the operation of the Public Health (Scotland) Act, 1897. Houses erected under the provisions of that Act have larger cubic capacity, better sanitary arrangements, better ventilation and among them the percentage of one apartment dwellings is smaller.

(3) The prevalence and continuance of the one apartment dwelling. Though a larger proportion of these is found among the older houses, the one apartment dwelling still continues to be erected. The County Medical Officer of Health for Lanarkshire, for example, has pointed out that about 10 per cent. of the houses erected throughout the county under the Building Bye-laws have only one apartment. The importance of this fact is made clear by noticing that these bye-laws did not take effect until March, 1899 in the middle ward of the county and as late as 1901 in the upper ward of the county.

The general condemnation of the one-apartment houses is well expressed by one of the Presidents of the Scottish Miners' Federation :

I have been round Lanarkshire and Ayrshire, and I have seen many of our people there living under positively brutal conditions. It is not a nice state of matters that families have to be brought up in houses of one apartment, sometimes only 14 feet by 12 feet in extent, where the cooking and the cleaning and the births and the deaths take place. We feel that in this country of ours we should not have people housed like swine.

One-apartment dwellings may be suitable for old people, but there is no doubt that they are quite unsuitable for miners with a family. It is obvious that where there is a family, a house which does not allow of separation of the sexes among older children is objectionable.

(4) Generally we have had much evidence that the women in the various "rows" agree very largely that they do not desire houses with many apartments, their general view being that a room and kitchen serve their purposes fairly well. The features which are most generally and strongly objected to are the dampness and defective state of repair of the cottages and the insufficiency of wash-houses, water-closets and ashpits, the bad condition of the paths, etc., surrounding their houses. The desire for a dry and reasonably well-appointed cottage is usually more apparent than the desire for a greater number of rooms and importance is attached to the provision of a proper water supply and bath-room in the house.

We have obtained a good deal of evidence also that where in fact larger cottages have been provided, a tendency has been not to utilize the additional room but to let it to lodgers.

The question of the rent has also of course a considerable influence, as the smaller the dwelling the smaller the rent.

(5) The fact that the miners' dwellings are regarded more or less as temporary structures has tended against a better type of building being erected and kept in reasonable repair. The life of a mine may not exceed thirty years, and in many cases the houses were erected with this in view; being poorly equipped as a consequence, and not being kept in very good repair. Frequently, however, the houses are used subsequently in regard to mines opened in the neighbourhood. A large mining population is housed in towns such as Hamilton, Motherwell, Falkirk, Lanark, Stirling, Kilsyth.

The conditions of tenure have an influence in conducing to the erection of badly equipped cottages for the miners. Formerly a common practice was for the mine-owners to lease the

land for their workers' houses for the term of the mineral lease—usually twenty-eight to thirty-one or thirty-five years, and at the end of that period the houses became the property of the landowners. It is not therefore surprising that they should be built with as few conveniences as possible. Now, however, as houses have to conform to building bye-laws the mine-owners, as a rule, endeavour to obtain sites on a more lasting tenure. Where, however, the houses erected on the former tenure are still occupied they are often in a very dilapidated state.

(6) Some of the best conditions of miners' houses are found where miners go into the country or where they erect houses for themselves. In some cases they take houses erected originally for farm servants or small holders.

Leadhills is a notable example of the mining village in which almost all the workmen's houses, in number about 250, have been built and are commonly regarded as being owned by the miners. But as the ground belongs to the superior, and has neither been feued nor leased to the miners, the workmen have no legal title to their houses. The houses in Leadhills are, speaking generally, of old construction. In Larkhall, on the other hand, a large number of new houses have been built through the agency of building societies by the workmen who occupy them. The following extract regarding Larkhall may be given :

In parts of the town, such as Strutherhill and Burnhead, many of the houses have been provided by working men who are not connected with any building society. The history of the development of these building societies is interesting. The first society came into existence about 1815, and was started by weavers and up to about 1861 the chief industry in the place was hand-loom weaving. Mining, however, has now taken the first place as the local industry, and the only weaving now carried on is in a silk factory. Houses built by the more recently formed building societies have a number of apartments ranging from two to three, and in two localities the houses are of four apartments each. The sanitary conveniences with the house are water-closet, slop-sink indoor, and sometimes a bathroom. Speaking generally, the history of the building societies has been successful, and some of them have been able to provide gardens with the houses, but in

recent years the price of the land for feuing purposes has increased so much that the more modern building societies have not been able to provide the same area of garden as in the case of the older societies, but in practically every case where houses have been provided by building societies in Larkhall a garden has been provided with the cottage, and it is to the credit of these miners that in Larkhall they cultivate their gardens extremely well.

These are exceptional conditions, however, and elsewhere the conditions are seldom so satisfactory. Single apartment houses and common privies are too common.

(7) As to the rents the miners can afford to pay; it is stated that a miners' wages average about 32s. a week, or £78 a year; this calculation assumes four week's holiday and idle time during the year, but a miner's time is often very broken. Even with one wage earner in a family it should be possible to pay an economic rent for a two-roomed house.

The following is an extract from the Report of an Investigator who made detailed study of this part of the question:

The rents chargeable in respect of the houses vary in different localities, and whereas, speaking generally, the rents charged in respect of the newer and better houses are seldom excessive, the same cannot be said in respect of the rents charged for the antiquated, defective, or dilapidated houses, when one has regard to the accommodation provided. As to the cost at which reasonable cottages can be provided, it may be noted, for example, that the Larkhall Property Investment Society has provided its members with houses of two apartments, single storey, built of hewn stone; all the houses having gardens, coal-cellars, inside slop-sinks with gravitation water and water-closets, at a total payment of £10 4s. per annum; and in a period of nineteen years from the commencement the total cost of the house, including fencing, road-making and all fixtures, will be extinguished. It is reported from various districts in Dumbartonshire and Stirlingshire, that cottages of one and two apartments are made available by the mining firms at considerably cheaper rents to their miners. There also seems to be little doubt that workmen in other grades of labour paid no better than miners, do in fact pay larger rents as a rule: such classes, for example, as urban labourers generally, seamen, fishermen, etc.

(8) The houses are provided in many cases by the mine owners and the rent is deducted from the miners' wages. A complaint in these cases is that it is often difficult to get the

necessary repairs made, as the owner's agent does not pay the same consideration to complaints in some localities where the coal mining companies are very large concerns, and employment is not so easily obtained at a rival mine. It is sometimes a condition of employment, also, in these cases that tenants must vacate their houses when they leave the employment. This fact of the provision of the cottage by the mine-owner obviously gives him considerable advantages. The miner is less able to assert his rights, and for various other reasons he is often unwilling to risk leaving his house.

(9) The difficulty of enforcing closing orders by the local authority is experienced acutely in these cases owing to the absence of other houses in the localities concerned, *e.g.*, at West Benhar in Lanarkshire, the carrying into effect of a closing order affecting the whole village has had to be postponed for a year for this reason.

(10) Where the houses in the miners' "rows" are in bad condition, the better class of miner will sometimes go a considerable distance to a neighbouring town or village in order to secure a better house. One result of this is that the worst houses tend to become occupied by the worst tenants, so that the houses become still further damaged and dilapidated.

The miner's work is arduous, and the miners are frequently very tired when they go off duty, and it is a great tribute to the desire for an improved environment that many of them are found willing to walk considerable distances in order to secure better housing accommodation for their wives and families. It is generally recognised to-day, too, in every branch of industry that what reasonably conduces to the health, comfort and contentment of the workers and can be obtained at comparatively small cost to the employer is a productive expenditure on the part of the employer.

(11) The provision of facilities for taking baths and drying clothes at the pithead would be of great advantage, not only for the comfort of the miners themselves, making it more easy for them to travel further distances to their homes, but as an aid to the cleanliness of their houses. It would enable them to change from the dirty and often wet clothes in which they work, instead of having to go daily in and out of their houses

in these. The Coal Mines Bill of 1911, as introduced, contained a clause making it obligatory upon mine-owners to establish in every mine, under the control of a manager, sufficient and suitable accommodation for taking baths and drying clothes, a 1d. a week being deducted from the earnings of each man for the cost of maintenance. Though the compulsory provision received considerable support, the matter was left optional in each district in the Bill as passed.

(12) We fully realise the difficulty as to the authority which should be compelled to provide housing for miners. On the one hand, there is difficulty in imposing on this industry duties of housing that are not imposed on other industries. On the other hand, it is difficult to hold that it is the duty of a local authority to provide the dwellings necessary for the equipment of an industry where, for example, a wealthy coal company opens a new pit in a rural locality of small rateable value, and where, too, there is no demand for the houses other than in connection with this particular pit which may possibly be derelict long before the sinking fund payments in respect of the houses are completed. There is a clear difference in the case where there is a reasonable expectation of an average permanent demand for housing for workers engaged in a locality offering a variety of opportunities for employment, such as the case of the ordinary town or village, or in a mining area where the workers in different pits might live in a common centre, and in this ordinary case it is the duty of the local authority to provide the necessary housing in the last resort. Where, on the other hand, it is not such an average demand of what reasonably appears to be a permanent nature, but an exceptional demand of one industry (e.g., the housing in connection with Rosyth, or the housing in connection with a new pit or a new industry, located in what may be a poor rural district), the imposition on the local authority of the burden of providing the necessary housing might be quite unreasonable. In such cases (unless the State was prepared to consider the matter as one of such importance that the State should render special assistance) the local authority should be empowered to require the

industry to provide the necessary housing, an appeal against any arbitrary action by the local authority being allowed to the central housing department. It is very unlikely that local authorities would ever desire to exercise this power vexatiously, as they are, as a rule, only too glad to encourage the development of new industries within their areas. In all cases the responsibility of securing that the housing within its area was satisfactory would rest on the local authority.

The following are a few typical extracts relating to miners' houses :

GROUP A. (91 houses).—Single-storey and two blocks of two-storey houses, brick, slate roof, wood floors, improperly ventilated and defective ; 23 of one apartment, 61 of two, and 7 of three or more apartments ; upper houses of two-storey blocks closed ; many houses are back-to-back, some double ; water outside ; open channel drainage ; no coal-cellars ; no wash-houses ; privy midden conveniences open, unsatisfactory and insufficient ; refuse removed weekly ; rhones, etc., defective ; houses damp ; surroundings unsatisfactory ; very inferior houses.

GROUP B. (299 houses).—One hundred and thirty-one single-storey houses, brick, slate roof ; wood floors improperly ventilated ; 46 of one apartment (some double houses), 68 of two, and 17 of three or more apartments ; 59 of the houses are back-to-back ; the three-apartment houses have each a scullery (boiler, water, etc.), pail privy and ashpit, and are in good order. Other houses have no coal-cellars ; no wash-houses ; water outside ; open channel drainage ; rhones, etc., defective ; privy midden conveniences open, insufficient in number and very objectionable ; houses damp in wet weather ; inferior houses.

GROUP C. (42 houses).—Single-storey, brick, slate roof ; wood floor ; two apartments with scullery, pail privy, coal-cellar each ; water inside ; underground drainage ; pail privies not quite satisfactory ; refuse collected in ashbins ; walls of several houses damp in wet weather ; rhones and rain-water conductors defective ; streets bad ; small garden plots ; houses show lack of supervision on part of owners.

GROUP D. (114 houses).—Sixty-six one-apartment houses (about a dozen are double houses), generally speaking, inferior, many back-to-back ; brick with slate roof ; plaster work defective in many places ; walls damp in wet weather ; many improperly ventilated, fixed windows ; no coal cellars ; no wash-houses ; privy midden conveniences open and very unsatisfactory ; water outside ; open channel drainage ; surroundings generally unsatisfactory, especially in wet weather ; inferior houses.

CHAPTER XXXIII.

HOUSING REMEDIES.

Section I.—THE DIFFICULTIES AND THEIR CAUSES.

I.—A main difficulty (as already explained) is that people are so poor and in some cases so improvident that rents are too high for their means.

Another main difficulty is that the standard of housing accommodation is, comparatively speaking, low; the tenement dwelling being so much the most common and the most in demand. A movement in favour of cottages is in progress; and appears likely to increase. However, to modify a long-established habit is a matter of time.

II.—Affecting the whole problem of housing also is the difficulty of obtaining access to land and the high price which has to be paid for it. This prevents the easy expansion of towns and conduces to congestion of buildings and overcrowding.

III.—Another serious difficulty arises through the steadily increasing burden of local rates borne by houses. These rates increase very materially the cost of a house to the tenant, and thus have the effect of virtually penalising the tenant who desires to provide himself with more adequate housing. Some experts are of opinion that if this burden of local taxation were removed the housing problem would soon be solved, as the lower rents would stimulate the demand for houses.

IV.—Of minor difficulties the principal are :

- (1) Congested buildings.
- (2) Defective structures.
- (3) Bad state of maintenance and repair.

The principal causes of these minor difficulties are: the continuance of defective buildings, owing to the non-enforcement of the present law; the indifference and neglect of landlords and their agents; and the absence of adequate town planning supervision. These are the difficulties which are most capable of being remedied by direct action.

There is also the feature observed in some cases throughout the country that the supply of houses has not increased recently as rapidly as the demand, so that in many towns there is a want of house accommodation for persons who can afford to pay economic rents.

This phenomenon has not, however, been confined to Scotland. It is experienced similarly in England and elsewhere, and is due, in part, to general economic tendencies, the recent high price of money, the high cost of living, the depression that followed the last boom in the building trade. The present time probably marks the period when the demand for houses has overtaken fully the comparative overbuilding of the boom time of some ten years ago. Increased building, under normal economic tendencies, is likely to remedy this defect very shortly to some extent. The provision of this increase in housing is less likely to be made speedily by private builders in the districts where the present demand is regarded by them as a temporary demand only.

The improvement of water supplies is a matter of much importance in the improvement of the sanitary conditions of houses in many districts outside the limits of the large cities. In these cities the supply is excellent, but elsewhere it is often far from good.

Section II.—THE MAJOR AND THE MINOR AIMS.

The major aim to meet the principal difficulty is to set up, if possible, healthy general economic tendencies that will lead to a normal supply of housing accommodation where necessary, similar to the supply of other commodities.

The awakening of a keener general interest to desire a better type of house (not so much the tenement type) is also, we think, desirable.

Minor Aims in Order to Meet Present Urgent Needs.

It is necessary to push forward :

- (a) Clearance and improvement schemes
- (b) Municipal housing schemes.

The main difficulties confronting these are :

- (1) The expense of compulsory powers of acquisition : cost of land, etc.
- (2) The burden of local rates.
- (3) The housing of the displaced.
- (4) Interference with private industry.

(As regards (1) and (2) the proposals we make elsewhere have an effect in reducing these difficulties.

As regards (3) and (4) there is further discussion in the following section).

(c) Town Planning.—Town planning should make general provision not only for the future development of areas at present unbuilt on, but also for the regulation of the rebuilding of congested and other areas at present built on, securing that there are open spaces and playgrounds within easy reach of all the inhabitants. We consider that a closer supervision of all the proposed buildings in a town should be exercised with a view not only to preserve the different amenities, but also to make the best use of the available space.

Section III.—THE IMMEDIATE MINOR STEPS.

CLEARING AND IMPROVEMENT SCHEMES—COMPULSORY SURVEY.

In clearing the slums and improving the most crowded parts of the towns, what is wanted above everything else in addition to normal sanitary conditions is to let in more light, more sun, more air ; and an essential step is to reduce the density of the population per acre in overcrowded districts. Closing orders (subject to first giving a reasonable opportunity to make necessary alterations and repairs) and owner's obligations generally (as already explained) should be enforced.

A compulsory survey of the housing conditions of the towns is a first necessity.

This compulsory survey should show in detail the particulars as to the various classes of buildings in each street in the town. The survey should begin with areas showing a death-rate above the average. It should be drawn in accordance with a well-thought-out scheme and on similar lines for the towns generally. The various classes of property, the density of houses and people per acre should be shown.

Such a survey would show fully the districts where clearance and improvement by the Local Authority were an urgent necessity. In regard to these it should be made necessary that Local Authorities prepare and submit improvement schemes to the central housing authority, and when the schemes were approved the Local Authorities would be required to carry them out within a specified period. In order to assist the Local Authorities they should be in regular touch with a central authority which would exercise pressure where there was laxity on the part of a Local Authority in carrying out its duty. We fully realise the difficulties under which the Local Authorities labour at present, and the deterrents that hinder their action (expensive and extravagant costs, claims for compensation, etc), and if the proposals we make for reducing these are adopted, we think there would be much greater activity on the part of the Local Authorities. In so far also as the State bears a portion of the present burden of expenditure falling on the rates there is the greater opportunity for a higher standard of performance by the Local Authorities being insisted upon. By the withholding of grants, etc., on account of non-performance of statutory duties the State can put pressure on the Local Authorities.

As already explained the work of redress is everywhere impeded by the difficulty of obtaining housing accommodation if dwellings are compulsorily closed, the unwillingness of towns to undertake the large financial burdens associated with improvement schemes at present and the large charges to be paid for land, etc. In the chapter on acquisition we indicate

the process by which the areas concerned can be acquired in a more simple and cheap manner.

TRANSIT.

Great advantages have already been achieved through improved transit facilities making access possible to suburban areas and so making a larger area available for residential purposes. These transit facilities should be still further increased so as to render available the whole ring of suburban land surrounding a town. It should be made possible for very large numbers of the urban workers to have cottages and gardens. In regard to the re-housing of persons displaced by improvement schemes it is much easier now than formerly (owing to improved transit) to provide (without loss of convenience in the matter of easy access to the centres of employment) that the persons displaced from crowded central sites are re-housed in suburban areas where there is adequate space.

These improved means of transit should include the systematic planning (under the Town Planning schemes) and formation of new thoroughfares, with a view to future development, giving adequate access to suburbs. This point is the more important in view of the rapid development of motor transit.

MUNICIPAL HOUSING SCHEMES.

(a) In a number of the smaller towns it would appear that private enterprise sometimes fails to provide the necessary supply of houses for those who are able to pay economic rents. In some cases the local tradesmen who build houses are not sufficiently convinced of the permanence of the demand, and in addition their regular practice is to build houses only to order. There may be no margin of houses available for persons wishing merely to rent a house. In some cases the Local Authority would require to step in and secure that utility societies provided more houses, or else the Local Authority or the State should provide them.

(b) In the largest towns, however, where, because of the number of the inhabitants and the extent and variety of

industries and occupations the demand, on the average, is fairly constant and reasonably permanent, and where consequently houses are built for letting, the needs of those who are able to pay economic rents can generally be supplied by private enterprise.

The main objections against the Local Authority entering upon general building schemes with the assistance of the rates may be summarised as follows :

(a) Unfair competition is set up with private enterprise which in time will tend to leave to the Local Authority the building of all houses for the classes dealt with.

(b) An uneconomic scale of rental acts as a "rate-in-aid" of wages, subsidises employers of cheap labour, enables them to get labour under cost price at the expense of the community, and reacts upon the general scale of wages.

(c) The effect is really giving poor-relief in an insidious form, and places an additional burden upon the other houses.

The Local Authorities are concerned primarily with the housing of those who are dispossessed by improvement schemes and who, either through their poverty or their habits, are unable to obtain accommodation elsewhere. Until the general economic position of the poorest classes is improved, duties in respect of housing them rest on the Local Authorities.

The essential features are :

(1) Nothing should be done to frighten private industry out of the work of building houses. On the contrary it is desired to encourage and stimulate it in every reasonable way, and various proposals we make elsewhere have an influence in this direction.

(2) At the same time a very considerable number of the present inadequate houses must be closed ; slums must be cleared ; congested areas improved ; and, in addition, the present shortage of housing throughout the country must be made up. This is all necessary in the interests of general economic development, as well as public health, morals, etc.

(3) The obligation rests on the Local Authorities and the State of securing that the necessary steps to enforce improvements are in fact taken.

(4) Accordingly, where there is at present a shortage of houses or such shortage arises through the strict enforcement of closing orders and the carrying out of improvement schemes, it is obligatory on the State and the Local Authority to secure that the necessary houses are in fact provided.

This does not involve that the State and the Local Authority should themselves undertake all the actual work of building.

For example, much might be done by the encouragement and organisation of public utility societies, receiving as high as 80 or 90 per cent of their capital on loan from the State (and repayable within thirty or forty years), instead of the two-thirds now available under the Housing Acts; and by the Local Authorities having power to subscribe the remainder of the capital, or by assisting in other ways (*e.g.*, leasing land to them for building). A part of the work of rebuilding might be carried out directly by these utility societies, subject to regulations approved by the central housing authority and the Local Authority, and subject also to a public audit annually of the accounts of the societies. In this way, the benefits of the State requirements as to housing would be gained with a minimum of interference with private industry.

It is to be noticed also that in such schemes, and even where the building is done by the State or the Local Authority, practically the whole of the existing machinery of building would be utilised, such as the present tradesmen, builders, etc., who would carry out the actual work of building in accordance with the specified requirements.

The primary uneconomic feature in this provision is that the societies would secure their capital more easily than the ordinary speculative builder; but as they would be required also to conform to various rules and regulations not directly incident on the speculative builder (including the restriction

of their dividend to not more than 5 per cent, and the necessity of the public audit) this advantage from the point of view of rival builders is largely neutralised.

While provision on these lines might meet, to some extent at least, the case of persons who can afford to pay an economic rent for their houses, there would still remain the poorest class. As already shown, the whole modern tendency has been to reduce the number of very cheap houses within the means of the poorest paid workers. The whole of the social conditions relating to this poorest paid class is involved, and includes many complex factors. In the last resort, where the adequate supply of houses cannot be secured by these other means the obligation to have the buildings erected rests immediately on the Local Authorities, and they themselves will have to undertake the building.

Section IV.—TOWN PLANNING.

The widest powers should be given to Local Authorities to secure adequately in advance by every reasonable means that new buildings and town development shall be along lines calculated to avoid the occurrence of slum conditions at any future period, and calculated to prevent permanently the creation of overbuilt and congested areas, and to avoid the allocation on areas of too densely crowded masses of humanity.

A complete copy of the survey (continuously brought up to date) should be kept at the office of the Local Authority and future building developments in the town should be made with reference to it. Town planning should be made compulsory.

It is highly desirable also that in building (or rebuilding) a street or a part of a street greater regard should be had to the general amenity. The securing and preservation of good amenities are peculiarly communal duties. The Local Authority should have power to secure that districts are not "spoiled" through buildings quite unsuited to the locality being located there; that buildings are not too high; that streets are made sufficiently wide and open; that playgrounds and open spaces are freely interspersed amid the buildings; that towering

works and factories with their smoking chimneys shall not overshadow the dwellings of the people—in short, to see to it, so far as reasonable foresight can go, that for the future slum buildings shall be impossible. The rebuilding of cleared areas, as well as the building of unoccupied areas, should be governed by the town planning scheme.

It should be open to anyone to be able to consult the complete survey of the town and its neighbourhood at the offices of the local authority and have pointed out to him the localities suitable for different classes of buildings. The values of the different sites as revealed under the Finance Act Valuations should be similarly accessible.

In addition, the Local Authority should have power to declare an area to be subject to a replanning scheme. The difficulty and expense of carrying through an improvement scheme is often greatly increased through the fact that building and reconstruction has been allowed to go on without regard to the future improvement, although the necessity for the contemplated improvement is recognised. In order to prevent this the Local Authority should have power at any time, with the approval of the central authority, to declare any particular area already built upon to be subject to a replanning scheme, no new building being allowed which did not conform to the plan. The various interests concerned should be treated fairly and equitably.

Under the existing law a Town Planning Scheme enables a local authority, *inter alia*, to regulate the development of unfeued land, the number of houses to the acre, the height, character and arrangement of the houses, open spaces, recreation grounds, and the line, level and width of streets. These powers applied generally as suggested would enable local authorities so to regulate housing in the future as to avoid many of the mistakes which contribute to the present problem of slums, overcrowding and lack of reasonable desirability for residential purposes of so many urban areas. By restricting the height of buildings, by insisting on adequate open spaces, by reserving areas for residential purposes only, the conditions of urban housing can be greatly improved. In the

laying out of the principal roads, ample width should be a main consideration, and in the case of residential roads the cost of construction might be reduced to a minimum by having a part only of them paved, the remainder being laid out in grass and planted with trees or shrubs.

Various other minor remedies have been referred to in earlier sections and need not be repeated.

BUILDING BY-LAWS.

In regard to building by-laws, as has already been suggested, though we recognise the many practical difficulties involved, it might be possible to secure some relaxation with the object of reducing the cost of construction. For example, ceiling heights of 9 feet 6 inches although desirable in a high tenement block with a small number of rooms per dwelling, are quite unnecessary in a cottage, and floor deadening could be dispensed with where a house is in the occupation of one family. The Glasgow Building By-laws prohibit ceiling heights of less than 9 feet 6 inches for ground flats and 9 feet for other floors, whereas the London County Council cottages are 8 feet 6 inches and 7 feet 6 inches. In the construction of walls also greater freedom could safely be given; and in many cases 9 inch brick walls rough-cast would prove adequate, and it has been suggested that in rural areas, at any rate, houses of wood construction would prove quite satisfactory. The heavier roofs used in cottage buildings in Scotland as compared with England render necessary stronger and heavier walls to support them and add considerably to the total cost. All such relaxations and others of a like nature would help materially towards the desired end of providing less costly houses.

We consider that the question of the further modification of the existing by-laws with these objects in view might be considered by a small committee of practical experts who should be able speedily to come to the best conclusions on these practical matters.

We are much impressed also, by the need, in dealing with questions of housing, of avoiding too great an insistence on theoretical considerations. For example, it is generally recognised to-day that the fixing of standards as regards the cubic capacity of rooms is probably of less value than the insistence on ventilation. A small room frequently ventilated is more healthy than a larger room insufficiently ventilated, and the mere insistence on cubic capacity may make no allowance for this. Somewhat similar, probably, is the case in many instances with regard to insistence on thickness of walls, etc. In so far as the various structural requirements of by-laws are necessary for public health or as deterrents to inadequate workmanship by jerry-builders, they are of the first necessity, but in so far as they handicap the provision of housing accommodation reasonably suitable to the requirements to be met, they may be, in the result, more injurious on the whole than beneficial.

At the same time it must not be taken that we recommend smaller rooms as better for working class houses than large rooms. What we have said above is subject to the reservations stated there. At the same time we lay great stress on the desirability, if possible, of encouraging the type of cottage with more rooms even of smaller size, than the tenement house of fewer rooms of larger size. We consider it very far from a desirable state of affairs that so many families in Scotland are located in houses of one or two apartments, even though these one or two apartments may be several feet higher, broader and longer than apartments in a working man's house elsewhere (*e.g.*, in England). We think that a house with a larger number of smaller rooms (and costing no more to build) would be better for a family.

CHAPTER XXXIV

EXISTING HOUSING LEGISLATION.

EXISTING POWERS OF LOCAL AUTHORITIES.

In order to indicate the existing powers of Local Authorities for dealing with defective houses, a short reference must be made to the leading statutory provisions at present in force.

The existing legislation may be considered, in so far as it deals with :

- (1) Individual houses.
- (2) Structure.
- (3) Overcrowding.
- (4) Obstructive buildings.
- (5) Schemes for reconstruction of insanitary or congested areas.
- (6) Municipal housing.
- (7) Town planning.

Section I.—PROVISIONS APPLICABLE TO INDIVIDUAL HOUSES.

By the Public Health (Scotland) Act, 1897, houses may be dealt with under the category of nuisances. Section 16 of this Act provides that in the case of "any premises" (which by the Act includes land, buildings, etc.) or part thereof of such a construction, or in such a state as to be a nuisance or injurious or dangerous to health the Local Authority may take proceedings before the Sheriff, who shall discern for the removal or remedy of the nuisance.

Section 23 provides *inter alia* that if the nuisance proved to exist be such as to render a house or building unfit for human habitation or use, the Sheriff may prohibit such habitation or use until, in his judgment, it is rendered fit therefor, and on the Sheriff being satisfied that it has been rendered fit for that purpose, he may declare the house or buildings habitable, and it may then be let or occupied.

THE HOUSING TOWN PLANNING, ETC., ACT, 1909.

Section 17 of this Act provides that it shall be the duty of every Local Authority to have an inspection of their district made from time to time with a view to ascertain whether any dwelling-house therein is in a "state so dangerous to health as to be unfit for human habitation." Where the local authority is satisfied on the representation of the Medical Officer of Health, or of any other Officer of the Authority, or upon other information given that a dwelling-house is in such a condition, it is their duty to make an order prohibiting the use of the dwelling-house for human habitation (called a Closing Order) until, in the judgment of the local authority, the dwelling-house is rendered fit for that purpose. The owner of the dwelling-house has the right to appeal to the Sheriff against a Closing Order. Section 18 provides that where a Closing Order in respect of any dwelling-house has remained operative for a period of three months, the Local Authority shall take into consideration the question of the demolition of the dwelling-house, giving the owner an opportunity of being heard. If, upon such consideration, the local authority are of opinion that the dwelling-house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building, being or being part of a dwelling-house, is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses, they shall order the demolition of the building.

If a Local Authority neglects its duty under Sections 17 and 18 of the Act, their neglect can be dealt with under the provisions of Section 146 of the Public Health (Scotland) Act, 1897, which provides for a petition to the Sheriff at the instance of the Local Government Board, or ten ratepayers residing within the district, or the Parish Council, or the Procurator Fiscal for the County, to compel the removal or remedy of the nuisance.

By Section 34 of the Housing of the Working Classes Act, 1890 (as amended by the Second Schedule of the Act of 1909), if the owner fails within three months to comply with an order for demolition of a building, the Local Authority shall proceed to remove it at the expense of the owner. Where a building has been so taken down and removed, no houses or other buildings or erection which will be dangerous or injurious to health shall be erected on all or any part of the site of such building. Sections 17 and 18 of the 1909 Act take the place of Sections 32 and 33 of the Housing of the Working Classes Act, 1890, and whereas formerly the local authority had to go to the Sheriff for a Closing Order they can now issue the Closing Order themselves with a right of appeal on the part of the owner to the Sheriff. It is to be observed that if the owner appeals to the Sheriff the house may continue to be occupied pending the appeal.

Section 14 of the 1909 Act declares that in any contract made after the passing of the Act for letting for habitation, a house or part thereof, at a rent not exceeding £16, there shall be implied a condition that the house is at the commencement of the holding in all respects reasonably fit for human habitation; and Section 15 enacts (a) that as respects contracts to which Section 14 applies, that section shall take effect as if the condition implied included an undertaking that the house shall, during the holding, be kept by the landlord in all respects reasonably fit for human habitation; and (b) that the Local Authority or any person authorised by them in writing shall, on giving notice, have a right to enter any house to which the section applies, for the purpose of viewing the state and condition thereof, and if it appears to the local authority that the undertaking implied is not complied with they shall, if a Closing Order is not made with respect to the house, give written notice requiring the landlord within a reasonable time to execute such works as the local authority shall specify in the notice as being necessary to make the house in all respects reasonably fit for human habitation. Within twenty-one days after the receipt of such notice a landlord may, in writing to the Local Authority, declare his intention of closing the house for human habitation, and thereupon a Closing Order shall be deemed to have become operative in respect of such house. If, however, the notice given by the Local Authority is not complied with, and if the landlord has not given notice that he intends to close the house, the Local Authority has power to do the work required themselves and to recover the expense from the landlord.

The provisions of Sections 14 and 15 are an extension of Section 75 of the Housing of the Working Classes Act, 1890, which provided that in a contract for the letting of houses at a rental not exceeding, in Scotland, £4 per annum, there should be implied a condition that the house was at the commencement of the holding in all respects reasonably fit for human habitation. That clause was quite inadequate because the limit of rental was too low; it was restricted to the commencement of the holding, and it lacked any operative machinery for enforcing the provision. Mr. John Lindsay, the Town Clerk of Glasgow, has stated with reference to these sections that there can be no doubt that in the city there are many houses to which the new power applies, and in which the undertaking of reasonable fitness for human habitation implied in the section is not complied with. It is interesting to note in this connection that by a judgment of the House of Lords (*Cameron v. Young*, 1908 S.C.) it has been decided that the wife and children of the tenant of a dwelling-house have no title to recover damages from their landlord for injury or illness caused through the dilapidated or insanitary state of the house; on the ground that the landlord's obligation is based solely on the contract with the tenant, and that therefore the tenant alone can recover damages for loss suffered by himself. In a recent English case (*Ryall v. Kidwell & Son*, 1913,

3 K.B.) the same principle was applied where the house came within the terms of Sections 14 and 15 of the Housing and Town Planning Act, and it was there held that for a breach of the condition which the Act imposes there would be a right of action to the tenant, but that the right is not extended to any one not a party to the contract. It is suggested that the result of these decisions is to narrow the landlord's responsibility unduly. When letting a house the landlord well knows that it will be used by the family and friends of the tenant, and he ought to be liable if they suffer injury through his neglect. The decisions, however, are now so firmly established that they could only be overruled by legislation.

Section II.—STRUCTURE.

The Burgh Police (Scotland) Act, 1892, contains provisions regarding the structure of houses in burghs. Section 169 determines the penalty for erecting or repairing any house or building without the sanction of the Local Authority. Sections 170 to 173 set forth the amount of free space in the rear of houses; the number of houses in common stairs, the height of rooms and the number of windows in rooms.

Section 181 of the Public Health (Scotland) Act gives the Local Authority of any district other than a burgh power to make bye-laws for regulating the building or rebuilding of houses.

These bye-laws may deal with the following matters:—

(a) Drainage of subsoil of sites, and prevention of dampness in houses intended for human habitation.

(b) Structure of walls, foundations, roofs, and chimneys of new buildings, in so far as likely to affect human health.

(c) Ventilation of houses and buildings intended for human habitation.

(d) Sufficiency of space about buildings to secure a free circulation of air.

(e) Construction and arrangement of drainage of houses and buildings, of soil-pipes and waste-pipes, construction and position of water-closets, earth-closets, privies, ash-pits, cesspools, dung-steads, slop-sinks, and rain-water pipes and rhones.

(f) Production and inspection of suitable building plans.

(g) Intimation to Local Authority previous to commencement by owner or person laying out the work.

Section 93 of the Burgh Police (Scotland) Act, 1903—adoptive—gives *Town Councils* power to make similar bye-laws.

BACK-TO-BACK HOUSES.

Section 43 of the Housing Town Planning, etc., Act, 1909, makes it unlawful after the passing of the Act to erect any back-to-back

houses intended to be used as dwellings for the working-classes. But a house containing several tenements back-to-back is permissible if the Medical Officer of Health is satisfied as to ventilation.

Section III.—OVERCROWDING.

By Section 16, Sub-Section 7 of the Public Health (Scotland) Act, 1897, any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by the Act.

Section 76 of the same Act provides that where two convictions against the provision of the Act relating to the overcrowding of any house shall have taken place within the period of three months, whether the person convicted was or was not the same, it shall be lawful for the Sheriff to direct the closing of the house for such time as he may deem necessary.

Section IV.—OBSTRUCTIVE BUILDINGS.

By Section 38 (1) of the Act of 1890 as amended by the Housing Town Planning, etc., Act of 1909, power is given to the Local Authority to secure the removal of buildings which are obstructive. If the Medical Officer of Health finds that any building within his district, although not in itself unfit for human habitation, is so situated that, by reason of its proximity to, or contact with, any other buildings, it either (a) stops or impedes ventilation, or otherwise makes, or conduces to make, such other buildings to be in a condition unfit for human habitation, or dangerous or injurious to health; or (b) prevents proper measures from being carried into effect for remedying any nuisance injurious to health, or other evils complained of, in respect of such other buildings, then it is the duty of the Medical Officer of Health to report to the Local Authority that the obstructive buildings should be pulled down. Such a Report may also be made to the Local Authority by any four or more inhabitant house-holders of a district.

The Local Authority are required to consider such a Report and to ascertain the facts regarding the building and the cost of pulling it down and acquiring the land. If they decide to proceed they are to give the owner of the obstructive building an opportunity of stating objections, and they shall then make an Order either allowing the objection or directing that such Order shall be subject to appeal in the same way as an Order of demolition of the Local Authority under the Act.

Where an Order of the Local Authority for pulling down an obstructive building becomes operative, the Local Authority are authorised to purchase the lands on which the obstructive building is erected and to have the building pulled down subject to paying compensation to

the owner, the price of the land and the compensation being, in the event of difference, fixed by an Arbitrator. If, in the opinion of the Arbitrator, the demolition of the building adds to the value of the adjoining buildings, he is to apportion amongst the owners of these buildings so much of the compensation as may be equal to their increase in value.

The owner of the obstructive building has the option of retaining the site provided the obstructive building is pulled down, in which case he receives compensation for the building only; but for the future no building which will be obstructive can be erected upon the site.

Section V.—IMPROVEMENT AND RECONSTRUCTION SCHEMES.

A

SCHEME FOR RECONSTRUCTION.

If the provisions above referred to as to closure and demolition of insanitary dwelling houses, or obstructive buildings, are not in themselves adequate in any particular case, then the Local Authority has power to deal with a whole area by way of a scheme of reconstruction. These powers are applicable where a whole area is so congested and the buildings are so defective that dealing with individual houses would not provide a remedy.

It is instructive to trace back to their former use the densely inhabited areas which have become slums. One writer, dealing with the areas which the City of Glasgow cleared in its improvement scheme of 1866 at an expenditure of about £2,000,000, gave a graphic description of the origin of some of those densely inhabited areas. "The wynds of Glasgow," he says, "are in the heart of the city; long, narrow, filthy, airless lanes, with every available inch of ground on each side occupied with buildings, many of them far gone, yet packed from cellar to garret with human life." These wynds "were at first the streets, clean though narrow, between the well-built mansions with their gardens and orchards that gave air and room for life . . . but gradually, as the city extended, the wynds fell into other hands. Saint Andrew's Square, Glassford, Virginia and Miller Street, received into larger mansions the richer men, and the orchards and green places in the wynds became built over to *make the most of the ground*. The wynds thus became arteries to long winding veins or closes, as they are fitly called, running up and down through thick built spaces dense with flesh and blood."

The perusal of the old title deeds of almost any central urban property affords evidence of similar transformation, areas now congested being described as occupied by a house and garden or yard. In Inverness there is a property in — Street extending to about one-third of an acre, now a congested area. This property is described in the

title deeds as one dwelling-house with garden ground behind. That was 100 years ago, and to-day there are fourteen tenants on that area. It is suggested that if land around the town had been opened up for feuing at cheap rates, that garden would not have been built upon, and, if it had been, tenants could not have been got to occupy the premises.

When these congested areas were covered up, there were, of course, no thoughts of town planning, while the high price of land for building purposes on the fringe of the towns had the effect of compressing the population and preventing natural expansion.

The problem which now confronts in a greater or lesser degree every one of our large towns is how best to remedy these evil conditions of housing inherited from the past.

The powers which Local Authorities have for dealing with the large congested areas by means of a scheme of reconstruction are contained in the Housing of the Working Classes Act, 1890 (as amended by the Housing Town Planning, etc., Act of 1909). Sections 39 to 44 of the 1890 Act as amended by the Act of 1909 deal with schemes for reconstruction. Where it appears to the Local Authority that the closeness, narrowness and bad arrangement or bad condition of any building, or the want of light or ventilation or proper conveniences or any other sanitary defect in any building, is dangerous or prejudicial to the health of the inhabitants either of the said buildings or any of the neighbouring buildings, and that the demolition or the reconstruction and rearrangement of the said buildings or some of them is necessary to remedy the said evils, and that the area is too small to be dealt with as an unhealthy area under part one of the Act, then the Local Authority may direct a scheme to be prepared for the improvement of said area. The Local Government Board has to approve of this scheme, and if, on inquiry, the Board are satisfied they grant an order sanctioning the scheme. Upon such order being made the Local Authority may purchase the area comprised in the scheme as so sanctioned. The amount of compensation to be paid is to be settled by an arbiter appointed by the Local Government Board. In fixing the compensation the arbiter shall have regard to, and make allowances in respect of, any increased value which in his opinion will be given to other dwelling-houses of the same owner by the alteration or demolition by the Local Authority of any building. He shall also make a reduction in the amount of the compensation, if (1) the rental of a dwelling-house was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or (2) if the dwelling-house is in a state of defective sanitation or is not in reasonably good repair; or (3) if the dwelling-house is unfit and not reasonably capable of being made fit for human habitation. The cost of the scheme is payable out of the Public Health assessment.

It is to be noted that, while in the case of the demolition of obstructive buildings the principle of betterment is recognised, it is not recognised in the case of a scheme for reconstruction, even although in the reconstruction of the objectionable area, surrounding properties are necessarily more improved than in the case of the removal of a solitary obstructive building. (See, however, Section 41 (2) (b).

B.

SCHEME FOR IMPROVEMENT.

Part I. of the Act of 1890, as amended by the Act of 1909, gives burghal Local Authorities power to deal with extensive congested or insanitary areas, by a scheme for the improvement of the district.

Where a representation by the Medical Officer of Health is made to the Local Authority, that within a certain area in the district of such authority either :

(a) Any houses, courts, or alleys are unfit for human habitation
or

(b) The narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses, or groups of houses within such area, of the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants, either of the buildings in the said area, or of the neighbouring buildings ;

and that the most satisfactory method of dealing with the evils connected with such houses, courts, or alleys, and the sanitary defects in such area is an improvement scheme for the rearrangement and reconstruction of the streets and houses within such area, or of some of such streets or houses ; the Local Authority shall take such representation into their consideration, and, if satisfied of the truth thereof, and of the sufficiency of their resources, shall pass a resolution to the effect that such area is an unhealthy area, and that an improvement scheme ought to be made in respect of such area ; and after passing such resolution, they shall forthwith proceed to make a scheme for the improvement of such area. If the Local Government Board approve of the scheme they grant an order sanctioning it.

It is to be noted here also that the provision that the adjoining proprietors should contribute to the compensation on the principle of betterment does not apply.

LOCAL ACTS.

In addition to the general provisions above referred to, the leading

cities have local acts of their own providing them with powers of a similar nature.

Section VI.—MUNICIPAL HOUSING.

Part III. of the 1890 Act, supplemented by Part I. of the 1909 Act, gives Local Authorities and private parties exceptional powers to provide houses for the working classes.

The powers of Local Authorities (Urban and Rural) in this connection are briefly as follows:—They can acquire land compulsorily; under an order confirmed by the Local Government Board—Section 2 of the Act of 1909—they can, subject to the consent of the Local Government Board, erect thereon such houses, including shops, etc., as they consider adapted to the requirements of the locality; and they can borrow money on the security of the local rate. Where the money is borrowed from the Public Works Loan Commissioners, exceptional terms are granted by the Act of 1909. Thus, the loan is advanced at the minimum rate of interest allowed at the time out of the Local Loans Fund; the period of repayment may be spread over eighty years; and the rate of interest is constant, irrespective of the period of the loan. The present rate of interest being $3\frac{1}{2}$ per cent., the annual charge for the combined repayment of principal and payment of interest amounts approximately to $3\frac{1}{2}$ or 4 per cent., according as the loan is repayable in eighty or sixty years. The Board are prepared to allow the maximum period of repayment only in the case of land. In the case of houses, sixty years may be regarded as the maximum, and that period will be allowed only where the housing is of a substantial nature.

Section VII.—TOWN PLANNING.

To prevent the repetition upon unbuilt-on land of such conditions as have in the past given rise to slums and congested areas, the Housing, Town Planning, etc., Act, 1909, gives valuable powers to Local Authorities. By Part II. of the Act a Town Planning Scheme may be made as respects any land which is in course of development or appears likely to be used for building purposes with the general object of securing proper sanitary conditions, amenity and convenience in connection with the laying-out and use of the land and of any neighbouring lands. The Local Authority are to prepare a scheme or they may adopt a scheme proposed by all or any of the owners of any land with respect to which the Local Authority might themselves have been authorised to prepare a scheme. The Town Planning Scheme requires to be approved by the Local Government Board, and when approved it shall have effect as if it were enacted in the Act. The land likely to be used for building purposes shall include any land likely to be used as or for the purpose of providing open spaces, roads, streets, parks, pleasure

and recreation grounds. By section 57 of the Act the Local Authority have the power to enforce the scheme by removing or pulling down any building or other erection which is such as to contravene the scheme or by executing any work which it is the duty of any person to execute under the scheme. The expenses may be recovered from the persons in default. If any question arises whether any building or work contravenes the Town Planning Scheme, or whether any provision of a Town Planning Scheme has not been complied with, the question is to be decided by the Local Government Board, whose decision shall be final. There is provision made for compensation to any person whose property is injuriously affected by the making of a Town Planning Scheme, provided he makes a claim within a limited period.

The Local Authority may be authorised to purchase land in connection with such a scheme under compulsory powers.

(1) If the Local Government Board are satisfied on any representation after holding a public local inquiry, that a Local Authority :

(a) Have failed to take the requisite steps for having a satisfactory Town Planning Scheme prepared and approved in a case where such a scheme ought to be made ; or

(b) Have failed to adopt any scheme proposed by owners of any land in a case where the scheme ought to be adopted ; or

(c) Have unreasonably refused to consent to any modifications or conditions imposed by the Board,

the Board may, with the approval of the Lord Advocate, apply to the Court of Session, which is authorised to act as appears to it to be just.

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CHAPTER XXXV

ACQUISITION OF LAND, ETC., BY PUBLIC AUTHORITIES AND OTHER BODIES,

Section I.—INTRODUCTORY.

The State, local authorities, and semi-public bodies, pay prices for land very much in excess of the prices paid in an ordinary sale of similar land between private persons.

There are three principal causes for this:

(1) The necessities of the community. Land is needed for lighthouses and naval bases. Without a good supply of water, without a sewage system, without streets sufficiently wide, without public lighting, without schools, etc., the life of the town becomes impossible. Without railway facilities, harbours and docks, the development of the country cannot proceed.

(2) The monopoly position of the proprietor. Within a wide radius of the town, for example, there may be only one locality suitable for a water supply. Similarly there may be only one or two possible sites for a new school which must of necessity be located where the population is. At a dangerous corner on a busy street the property which must be demolished to give the width necessary for the safety of the citizens may be the property of one man. A lighthouse must be located on the coast where there is greatest danger to ships. A willing purchaser of land in such cases creates very often an unwilling seller, i.e., the seller (realising the absolute need of the purchaser) is unwilling to sell except at a much increased price.

(3) A certain legal bias in favour of the seller. For example, the purchaser, in these cases, necessarily appears somewhat in the form of an aggressor (especially in the case of waterworks, hospitals, sewage farms, which may go far into rural areas), he desires to obtain some property at present in the possession of another person, who may object strongly to the proposal on personal grounds, the justification of the proposal being, however, the undoubted necessities of the community. Instances of this bias are offered by the elaborate amounts of compensation awarded in the arbitrations, the provisions as to expenses, etc. (see Section IV of this Chapter).

Here, again, it is necessary to appreciate the facts clearly in their proper proportion. It is not the case that in every transaction the local authorities pay prices larger than a willing buyer to a willing seller. Further, in many cases the local authorities purchase through a third party, so as to conceal their identity, with a view to securing a price such as a private purchaser can obtain.

On the other hand, it is to ignore great masses of evidence not to recognise that in many cases under the present system local authorities and semi-public bodies do in fact pay very largely in excess of the prices paid by private purchasers of similar properties.

Nor is the fact that high prices and heavy costs are incurred in many cases to be laid to the blame of the landowner. The legal procedure of the Lands Clauses Acts is open to him, and when proceedings are under these Acts the fact that excessively high values are determined by the arbiter is attributable more to the practice of arbiters than to any action of the landlord. It is the system which makes this possible that is the subject of comment.

The results undoubtedly are :

(1) That many most useful and necessary works of public improvement are not undertaken by local authorities on account of the excessive costs which confront them. Similarly, the development of railways, harbours, and other works of public utility of the greatest

necessity to industrial development are hampered and prevented.

(2) Where the works are carried out the ratepayers are saddled with excessive and unjust charges to be met by the rates, etc., in respect of the high costs incurred. Similarly, railway rates, harbour dues, etc., have to be fixed high enough to recoup these excessive charges, and so industry, which has to pay these dues, is handicapped.

That the community has a real need to obtain the land in such cases is recognised by the law which enables them to obtain compulsory powers for its acquisition. The central feature is that, without such special provision, it is within the power of a landlord to refuse to part with his land on any terms, even though it is clearly demonstrated that a great public necessity exists.

The following one of many examples may be quoted :

At Speirsbridge, Thornliebank, there is a dangerous and sharp turn on the road, and the Glasgow Tramway Department considered it most important for the safety of passengers and the convenience of the service to acquire a property at the corner for the purpose of widening the road. The owners were approached, but their price was considered exorbitant, and the Corporation proposed that the question of the price should be remitted to arbitration. The owners, however, declined, and nothing could be done.

On the other hand, there are landowners who adopt a totally different attitude. For example, it has been the experience of the Glasgow Corporation that, when extending the tramways out to the suburban districts some owners were willing to give them free the land necessary to widen the roads. This was done by Sir John Stirling Maxwell along a part of the same route upon which Speirsbridge is situated. In these cases the landowners recognise that it is in their own interest to encourage the provision of tramway facilities.

As will be shown below, the proceedings under the compulsory powers are very expensive both as regards the compensation to the landlord and the legal and other expenses connected with the proceedings. The acceptance of a landlord's terms by a local authority or semi-public body does not of itself imply that these terms are reasonable. It may only

mean that such acceptance is the lesser of the two evils. This is not stated in criticism of individual landowners, but with reference to the procedure for acquiring land compulsorily which secures automatically to the landowner, not merely the amount of the loss sustained, but, in addition, 10 per cent. (in the case of urban properties) and 50 per cent. (in the case of rural properties), in respect of taking the land compulsorily; and, also as explained below, the cost of the proceedings falls mainly on the promoters.

Section II.—ACQUISITION OF LAND UNDER THE LANDS CLAUSES ACT—GENERAL.

We have obtained abundant evidence of the excessive prices paid, in many cases by the State, by local authorities and by semi-public bodies (for examples see Chapter XXXVI). In order to avoid these excessive charges, these public bodies endeavour frequently to negotiate through a private source.

Compulsory powers for the acquisition of land by a public body are obtained either by special Act or by Provisional Order confirmed by a Government Department or by Parliament. For example, a local authority promoting a water works undertaking obtains in the special Act or Provisional Order authorising the undertaking the power of acquiring compulsorily the land needed and similarly a special Act authorising a railway company to construct a railway line gives the company power to acquire the land compulsorily. In such cases where the price to be paid is not agreed upon it is fixed by arbitration in accordance with the provisions of the Lands Clauses Act.

Where the public body proposes to acquire land compulsorily every landowner affected has a right to oppose the Bill or Provisional Order, and the opposition of a powerful landowner necessarily involves the promoters in a great deal of expense, sometimes delay, and may often endanger the passing of the measure. The expense and risk to which they may thus be put often leads promoters to yield to the demand of landowners even to the prejudice of their own interests.

For example, there are cases where a railway company under threat of opposition from an influential landowner who does not desire a railway through certain parts of his estate have deviated from their proposed plans, involving a longer and less suitable route, more expense to the company and a less profitable line, and probably affecting injuriously the industrial and commercial development of a district. Local authorities also yield to what they consider unreasonable demands with the object of reducing opposition. In one case where the corporation of one of our leading cities was promoting a public scheme, they, for the purpose of getting rid of the opposition of a landowner agreed that they would pay all his expenses in connection with any arbitrations following upon the scheme and also the fees and expenses of his engineers and surveyors in connection with any surveys, etc. They also agreed to accept his nominee as arbiter.

When under a special Act property is compulsorily to be taken or interfered with compensation may be fixed either by arbitration or by a jury. A jury is seldom resorted to in Scotland, but has been found useful occasionally when some point of principle has had to be determined. Practically, however, nearly all disputed questions of compensation are settled by arbitration.

Generally when a public authority, railway company or other corporate body is authorised by Parliament to carry out an undertaking or to construct works, the compensation for land which is compulsorily acquired or for property which is injuriously affected, through the construction of the works authorised by Parliament, is determined in accordance with the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845. The Lands Clauses Act provides that the parties may agree upon a single arbiter. Failing agreement, each party names an arbiter, and they appoint an oversman.

Section III.—REASONS WHY HIGH COMPENSATION IS AWARDED.

Even where land is acquired under compulsory powers and the price is fixed by arbitration this does not mean that the

public body is safe-guarded against having to pay an excessive price. The expenses incurred in these arbitrations are generally very serious and out of all proportion to the amounts at stake and these expenses have, as a general rule, to be borne by the public body which is promoting the undertaking. This question of the expenses connected with the compulsory acquisition of land, etc., is dealt with in Section IV.; but apart from this, public bodies complain that arbiters are in the habit of fixing prices which are excessive.

The practice is for arbiters to receive as evidence prices paid for assessing compensation in similar undertakings. For example, in an arbitration to assess compensation for damage in respect of land to be submerged in connection with a water scheme, the amounts awarded in other cases will be cited and figures and tables relating to these will be provided by witnesses with a view to forming a basis upon which the arbiter should fix his award. This practice often leads to larger claims being made and upheld than would otherwise be the case; and the case is argued and considered less on its own merits than by comparison with cases said to be somewhat similar. In fact it would seem as if arbitrations have come to be ruled by precedents somewhat in the same manner as courts of law. Accordingly it sometimes happens that arbiters are not guided so much by the present value, as by consideration of the scale upon which claimants have been compensated in the past.

There is another way in which precedents have operated in arbitrations to the extent of establishing a fixed practice. This practice, which has become the universally acknowledged custom among arbiters, is, that, after the value of the property has been ascertained by the arbiter, an allowance of 10 per cent. is added to the value in the case of urban property, and 50 per cent. in the case of agricultural property. Thus in the case of agricultural land, after the annual value is arrived at by the arbiter, he fixes the capital value at 30 years' purchase and then adds 15 years' purchase or 45 years in all. There is no particular reason why this very large allowance should be made as it is open to the arbiter to deal with the

compensation as he may think just; but nevertheless in ordinary practice it has become an established rule to make these large allowances. As showing how firmly established the practice is of making such allowance and how nothing short of an Act of Parliament could get rid of it, it may be mentioned that under the Roads and Bridges Act of 1878, special provision was made to abolish tolls on certain bridges crossing the River Leven in the county of Dumbarton, and the Act provided that compensation should not include any allowance in respect of compulsory purchase or sale.

In addition to this payment of forty-five years' purchase there are often allowances for severance, shortening, angling, intersection and so on. Intersection and the like may be serious matters in the taking of agricultural land. A railway carried through a property may cut up the fields considerably. What was originally a square field may become two triangular ones, and the presence of the railway prevents free access from the one side to the other. There is no question that a body taking agricultural land compulsorily should pay for damage of this kind. Apart from intersection, the fields may be shortened so as to render ploughing inconvenient. Drains, roads and so forth are interfered with and this should be made good. Provision must likewise be made over or under the railway for access, and new roads have often to be made in various directions. It is reasonable that this should be taken into account in order to give fair compensation.

As regards angling, etc., in the case of agricultural property provision might be made for the expenditure of the compensation. As things stand at present the proprietor receives the money without any condition as to its application, and the land injured is often allowed to remain in the condition brought about by the formation of the railway or other work. The compensation, however, is given not for the purpose of compensating the owner for the time being, but for restoring the land as far as possible to its original condition. Where a field is shortened or angled the money should be applied in removing fences, filling up ditches and so on, with a view to restoring the land as far as possible to a condition in which it can be

economically worked. This is sometimes impossible but many cases improvements could be made, and it is in the interests of the country generally where land is injured by public undertaking that it should as far as possible be restored at the cost of that undertaking, and that the particular owner should not retain the compensation and the land be left in its depreciated condition. The arbiter (or other authority deciding the case) has to judge of the effect of intersection and allows a sum to meet it. He would be the best judge to say whether the money or part of it is to be applied upon the land which has been injured or is to be treated as a payment to the owner and the tenant in occupation.

It is also a common complaint that arbiters make too generous allowances for prospective values. Thus in a place far away from the centres of population the price of the land is sometimes fixed on the basis of its having a feuing value where, for instance, a railway company proposes to take a piece of land which apart from the existence of the railway itself could not possibly have a value for feuing.

Section IV.—THE CUMBERSOMENESS AND COSTLINESS OF PROCEDURE.

A

THE TRIBUNAL AND THE QUESTION OF COSTS

The procedure laid down in the Lands Clauses Act was intended, it would appear, to be of a simple character. The arbiters were intended largely to act upon their own judgment, with the assistance of such books and papers as they might think it necessary to call for. If they failed to make their award within twenty-one days the matter was left to the oversman at once. There was also provision that if the arbiters or oversman failed to make an award within three months the question of compensation was to be settled by a jury. In practice, however, the time for making the award is extended by the parties as a matter of course, and arbitrations under the Lands Clauses Act have become very elaborate

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and very expensive. A system has crept in by which the claimant names as his arbiter a man of skill who has been advising him as to the amount he should claim, so that he is appointed with the idea (not unfounded) that he will press the interests of the claimant and get as large an award for him as possible. The arbiters, in short, are often partisans or counsel for the parties nominating them. Evidence is heard at great length, and much expense is incurred in obtaining and tabulating information regarding rentals and the prices obtained for other properties.

The parties are not only represented by law agents, but often by counsel, and the taking of the evidence and the discussion may occupy several days. In the more important arbitrations, owing to the difficulty of arranging times to suit all concerned, the proceedings may extend over a period of six months, or even to two years and longer, while the expenses go on increasing almost all the time.

The proceedings are generally held in a hotel, and such incidental expenses as the cost of lunch provided for every one, including witnesses, adds to the cost of the arbitration.

The arbiters nominate a professional man as clerk, who prepares and issues all the orders, prepares the final award or decret arbitral, and generally supervises all the details of the arbitration. This also adds materially to the cost.

It is a striking feature of nearly all these Statutory Arbitrations that the expense involved in carrying them through is excessively burdensome in relation to the amount of compensation awarded.

This is due in large measure to two considerations, viz. :—(1st) That the tribunal prescribed by the statute (Lands Clauses Act, 1845, Sections 24 and 26) consists of three persons—two arbiters and an oversman; and (2nd) that the whole expense of the arbitration in accordance with the provisions of the statute (Section 32) falls to be borne by the public authority or company, unless in those cases (which, however, are of rare occurrence) where a tender has been made and the compensation awarded does not exceed the amount of the tender. In this event the claimant is not entitled to recover his expenses from the promoters of the undertaking, who, however, in all cases must pay the expenses of the arbiters, oversman and clerk, in addition to their own expenses.

The provisions with regard to the liability for expenses are contained in Section 32 of the 1845 Act, which is in the following terms, viz. :

Costs of Arbitration ; How to be Borne.—All the expenses of any

such arbitration and incident thereto to be settled by the arbiters or oversman, as the case may be, shall be borne by the promoters of the undertaking, unless the arbiters or oversman shall award the same sum as or a less sum than shall have been offered by the promoters of the undertaking, in which case each party shall bear his own expenses incident to the arbitration; and in all cases the expenses of the arbiters or oversman, as the case may be, and of recording the decret arbitral or award in the books of Council and Session shall be borne by the promoters of the undertaking.

The arbiters are, of course, bound to hear parties fully and to obtain all relevant information in reference to the property the compensation for which they are to assess, but the method in which this is carried out is much too elaborate and expensive, and the tables of sales and rentals which are prepared at great cost might often be dispensed with. For instance, if No. 20, of a street in a town is being taken compulsorily, and the compensation has been fixed by a jury or by arbitration, then when the compensations for Nos. 18 and 22 in the same street comes to be assessed the compensation in the previous case is put before the arbiters as an element to be considered by them, and a long discussion often takes place as to whether the two properties can be compared, or as to how the arbitration was conducted or as to some collateral fact connected with the property which showed that the compensation awarded was less or greater than should be awarded in the case in hand.

It is perhaps impracticable to interfere with the discretion of a claimant as to the manner in which he should present his case, but a discretion should be left with the arbiter or commissioner as to the amount of expense to be allowed. It should be for them to say whether the evidence was presented in too elaborate a manner, and whether fees of counsel should be allowed.

Strong complaint is made especially by Local Authorities in the matter of acquiring land for public purposes regarding: (a) the provisions for settlement of claims, and (b) the provisions as to payment of expenses (Section 32 of the Land Clauses Consolidation (Scotland) Act, 1845).

The Corporation of Glasgow, for example, felt so strongly in this matter that in 1904 they applied by provisional order *inter alia* for the power that all claims against the Corporation should be settled by a single arbiter, and that the arbiter should have the power of determining by whom the expenses should be paid. They were successful in getting a clause providing that, in cases of dispute, compensation should be settled by a single arbiter, but they were not successful in obtaining a clause enabling the arbiter to find the claimants liable in expenses. As regards the disproportionate amount of expenses in relation to the claim, for example, the Corporation of Glasgow, in

five cases, where the total amount awarded was £1,125 4s., paid £2,990 13s. 9d. of expenses. In arbitration proceedings there is not such a strict ruling as to the admission of evidence as in an ordinary court of law, nor are the witnesses' fees so strictly taxed, and this leads to increased expense. In addition, there is the account of the clerk to the arbitration, and the fees of the two arbiters and oversman to be paid.

B

THE EXTENSION OF ITS OPERATIONS.

When the provisions in the Lands Clauses Act were framed the cases which were in contemplation were cases where land was actually taken and where consequently something would require to be paid by the promoters, but the provisions of the Act have since then been applied to cases where no land is taken but where it is said damage has been done in the construction of works authorised by Parliament.

For example, under the Glasgow Sewage Acts, which incorporate the Lands Clauses Act, it is provided that if in the construction of the works authorised damage shall be done to any lands, the Corporation shall make full compensation to the owners and occupiers of such lands, such compensation as may in the event of difference be determined by an arbiter to be agreed on or appointed by the Sheriff of the County. If a claim is made for which there is no foundation in fact, the Corporation are put in a very awkward position in defending it, because the arbiter has no power to find the claimant liable to the Corporation in expenses, nor can in such a case a tender be made, because that would be an admission that some damage had been done, so that the Corporation will always have to pay their own expenses, and if a sum, no matter how trifling is awarded, they will have the claimant's expenses to pay also.

An instance from one of the towns may be given of the abuse resulting from the existing law. The Town Council advertised for tenders for the construction of a sewer through certain of the main streets in the city. A certain gentleman wrote the proprietors of property along the route of the sewer, telling them of this, pointing out possible dangers to their property, and the necessity for having the property surveyed before and after the construction of the sewer. A claim amounting to £330 was afterwards lodged on behalf of the proprietor

of one of the properties on the line of the sewer, based on the reports by this gentleman, and after a very long proof the claimants were awarded :

	£	s.	d.
(a) As compensation for damage	35	0	0
(b) Their expenses, including witnesses' fees	120	0	0
(c) Arbiter's fee	63	0	0
(d) Arbiter's clerk's account	47	5	0
Total	265	5	0

The claim was defended by the contractors who, under their contract with the Town Council, were bound to relieve the Council of such claims. Their expenses in defending the claim were made up as follows :

	£	s.	d.
Their law agent's account	80	6	4
Expenses of opening road	4	9	11
Shorthand writer's account	23	12	9
Fees of witnesses on behalf of the contractors	229	14	0
Total (adding in the £265 5s.)	603	8	0

In the ordinary case it would have been cheaper to have paid the claim than to have incurred all this expense in fighting it, but the contractors and the Town Council knew that similar extravagant claims would thereon be sent in based on the reports of the same gentleman. The result of fighting this case was that only one other claim was brought forward. It was settled for a moderate sum. This case is not an isolated one, as large sums were paid for alleged damage by the Council on other parts of their drainage scheme.

C

"PART ONLY" OF PROPERTIES TO BE ACQUIRED.

Section 90 of the Land Clauses Consolidation (Scotland) Act, 1845, provides that no person shall be required to sell or convey part of a house or building or manufactory if such person be willing and able to sell or convey the whole thereof. Since the extension was made of the limits within which the Act is applied this provision has led to many anomalies.

The following example illustrates one of these anomalies. A sewer passed through a private street, and a way-leave for the construction of the sewer through an area extending to 58 square yards was desired

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from the proprietor. He intimated, however, that unless the Town Council in question were prepared to pay him a sum of £200 for the wayleave he would call upon them to take the whole of his property, and to pay him for the value of the buildings thereon. The claimant put forward the view that the private street was part of a building, and this view was supported by the decisions of the Court. The claim for £200 was extravagant, particularly in view of the fact that after the construction of the sewer the street would be as useful to him as ever it had been. Fortunately for the Council, it was possible to construct the sewer within the limits of deviation without entering upon this proprietor's portion of the street. He was therefore informed that unless his claim was reduced the Council would not construct the sewer through his ground at all. The result was that the claim was ultimately settled for £15.

A somewhat similar claim, but even more extravagant, was made, where a part of the same sewer passed through a private street in front of a tenement of dwelling-houses. The same proprietor owned several other tenements fronting another private street which met the first street at right angles. The title to the whole ground was contained in one conveyance, and the buildings formed an "L" shaped continuous range of tenements. Here again the street through which the sewer was to be constructed would be as useful to the proprietor after the construction of the sewer as it was before. Nevertheless the proprietor called on the Council to acquire and pay for not only the tenement facing the street in which the sewer was to be constructed but all the other tenements facing the other street, and he attempted to institute arbitration proceedings for the settlement of the claim. The Council, in defence, were compelled to raise two successive actions in the Court of Session, and incurred considerable expense. The first claim amounted to £22,000. The Council ultimately paid the claimant £90 for a wayleave for the sewer, and £150 for damage to the property.

It would be of considerable advantage to public authorities and other corporate bodies if Section 90 was altered so that public authorities should be required to take only portions of buildings where such portions can be severed from the remainder. This provision has been made in the Housing Act, 1890, and in other Acts, and should obviously be made in the Lands Clauses Acts also.

WAYLEAVES FOR WATER MAINS, ETC.

We have received evidence also of the high charges made for wayleaves for pipes, etc. The pipes are laid underground, and the landlord and tenant still have free use of the surface

for agricultural purposes, and generally the Local Authority supplies water free to the farms, cottages, &c., on the route. Further it is often a great advantage to an estate to have water pipes laid through it; as it enhances the feuing value considerably. Some landowners recognising this fact have made no charge for way leaves in certain cases. Notwithstanding that the introduction of water-pipes underground causes little or no loss to an estate, while on the other hand it may contribute to an enhancement of its value, it is yet a common experience that very high prices have to be paid for way leaves.

As already explained (Section II., Chapter XXVI.), we consider that (tailing agreement) there should be an appeal to the Government Department, who should have power to determine all questions relating to wayleaves.

Section V.—BETTERMENT.

In determining compensation under the Lands Clauses Act, no allowance is made for betterment, and this also appears to be a defect in the sense that a landowner, in effect, receives compensation sometimes for having the value of his property very largely increased. The most notable examples of this occur when railways are made. The existence of a railway station on or near an isolated rural estate may mean a large increase in its value for feuing and otherwise; a value out of all proportion greater than the actual damage suffered by the loss of the land taken for the railway line, or any depreciation of other portions of the landowner's estate.

Other statutes dealing with compulsory acquisition of property have recognised the principle of betterment. Thus, in the Light Railways Act of 1896, Section 13, the Arbitrator is to take into account the extent to which the remaining land of the claimant will be improved by the making of the intended railway. This is a reasonable provision and in practice has worked fairly.

The general Turnpike Act of 1831 provided, Section 64, that in assessing compensation for land taken, the assessing authority was to take into consideration all the circumstances

of the case, and particularly the advantages arising to the proprietors and occupiers by new or altered roads.

A provision for betterment occurs in many Improvement Acts, and there is a good deal to be said for extending it to every case, i.e., that in assessing the amount to be paid to a particular proprietor the *benefit* he is to receive from the work should be taken into account, as this benefit as well as the loss he sustains are direct incidents of the same work. There is a general unreasonableness in compensating a man for submitting to have his capital increased.

Theoretically there is no doubt that the most complete and equitable survey of each case should take into account every gain to the proprietor as well as every loss or depreciation suffered by him on account of the undertaking. But in practice there are difficulties. Not only might he be required in some cases to pay large sums in respect of this betterment due to an undertaking thrust compulsorily upon him and against his will, but in many instances it would be quite difficult to estimate fully the value of the betterment as well as to estimate fully the value of the depreciation and consequential damage; and, on the whole, we consider it most practicable and reasonable that the basis of compensation should be the fair market value, at the time of the application for the compulsory powers, as between willing buyer and seller of the land actually taken with fair compensation for severance, angling, etc., the allowance in respect of angling, etc. (as already explained) to be applied, so far as practicable, under the terms of the award in making good the damage in respect of which it is paid. Compensation should also be paid in respect of disturbance, etc., to occupiers and should be paid to them direct under the instructions of the award.

Section VI.—RECOMMENDATIONS.

We are of opinion that where a Local Authority considers that land is required to meet the needs of the inhabitants of their district they should have general powers of acquiring or feuing the land, either by agreement or compulsorily and that without requiring a direct application to Parliament

(subject to what is said below), but subject to the approval of a Government Department. This power should not be limited to the immediate needs of the inhabitants but should apply where land was being required in anticipation of future development.

The procedure for obtaining compulsory powers should be

1. That the local authorities concerned should be given powers to acquire land situated within their area compulsorily at any time and without it being necessary to obtain the sanction of any authority in the following cases :

(a) Street or road widenings, provision of roads and other road improvements, open spaces and parks

(b) The provision of schools and school playgrounds, baths, wash-houses, offices to be used by such authority, municipal halls, fire stations, depots for work departments, police stations, markets, hospitals, and other purposes of a similar character.

(In so far as the local authority concerned had to borrow money for such purposes, the sanction of the Local Government Board, or other Government Department, to the loan should be necessary.)

2. That, subject to the preceding section, the bodies indicated above should be enabled to obtain compulsory powers by means of an Order of a Government Department. The Government Department should decline to give permission for compulsory powers for undertakings the novelty or magnitude of which appear to make it advisable that they should first receive the sanction of Parliament. In such case, or if for any other reason the Government Department declined to make the Order, it should be open to the party applying to obtain such power by means of a Provisional Order under the Private Legislation Procedure (Scotland) Act, 1899, confirmed by Parliament or a private Act of Parliament, as at present.

3. That in the case of a Provisional Order under the Private Legislation Procedure (Scotland) Act, the Commissioners should have power to award costs against

opponents whose opposition is vexatious, and to limit the number of counsel and expert witnesses. That in any case where compulsory powers are sought by means of a Provisional Order which is required to proceed as a private bill, the procedure for obtaining Parliamentary powers should be reformed by substituting a Joint Committee of the two Houses for the Committee of each House, by amending the Standing Orders, by enabling a private bill to be carried over from session to session, by reducing or abolishing House Fees, and by giving the Joint Committee power to penalise vexatious opposition with costs, and to limit the number of counsel and expert witnesses engaged.

Further :

(1) We consider also that the price to be paid, in all cases of compulsory purchase, ought, failing agreement, to be fixed by the judicial section of a Government Department.

(2) The valuations under the Finance (1909-10) Act, 1910, should form a basis upon which to arrive at the fair price, and this would probably render unnecessary a great amount of the expensive evidence common in private arbitrations. But the fair price fixed should be the price which would be given as between a willing purchaser and a willing seller at the time of the application for the compulsory powers. As already explained it is the sum paid in excess of this price which forms the basis of the present grievance.

(3) Power should be given the tribunal to deal with the award of expenses.

The tribunal should be given a discretionary power to determine by whom and to what extent the expenses should be borne, having regard to the particular circumstances of each case. The power to do this, i.e., to allow or disallow expenses against either of the parties would, it is believed, operate as a wholesome check in discouraging such cases as have been mentioned where

the Public Body exercising their Statutory powers are compelled to pay extravagant sums in name of expense of and incident to Arbitration proceedings, especially where the claims made are admittedly fantastic. Scales of costs and fees should be prepared by this Government Department and adhered to.

(4) The practice of adding 10 or 50 per cent. to the value arrived at in respect of compulsory purchase should be discontinued altogether. Where land is required for a public need, the public ought to be able to purchase it at a fair price—that is, at the value which a willing seller would obtain from a private purchaser.

(5) These same provisions as to the procedure for acquiring land compulsorily should be applicable when the State or semi-public bodies have to acquire land compulsorily.

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CHAPTER XXXVI.

PUBLIC ACQUISITION: EXAMPLES.

Section I.—AN EXAMPLE IN DETAIL.

In order to show how claims against local authorities in such cases are built up, the full details are given of the following case :

THE LOCH ARKLET CASE.—Under the provisions of the First Part of Schedule A to the Glasgow Corporation Waterworks Act, 1885 (Ch. XXXVI, 48 & 49 Vict.) the Glasgow Corporation paid "the sum of three thousand pounds sterling as compensation for the right and privilege of storing water in Loch Arklet to a height not exceeding twenty-five feet above the ordinary summer level, and of drawing water therefrom for the purposes of the waterworks and for the right of access at all times to the said loch."

Though the Corporation thus purchased the water and the right to raise the level of the loch, additional payments were to be made by the Corporation under the provisions of Part Four of the agreement already referred to, namely, "Compensation for all damage of whatever kind, including severance and other damage" resulting from raising the level of the loch.

Arbitration proceedings were accordingly held to assess the amount of this compensation.

The proprietor claimed £26,432, and was awarded £19,115 4s. 5d., which was paid to him on March 9th, 1909.

The area of land affected by the proceedings extended to 383 acres, some 17 acres of which were purchased, and, as regards the remaining 366 acres, the payment made by the Corporation was in respect of loss and damage through covering the land with water, owing to raising the level of Loch Arklet in order to increase the water supply of Glasgow. It is important to notice that the ownership of these 366 acres remains with the proprietor. Much of this 383 acres was a swamp. The mineral rights under it, if any, are his property, the right to shoot and fish and to exercise the other incidents of ownership remain with him.

In addition to this payment, the Corporation were required to perform various other duties which will be mentioned below.

PARTICULARS OF THE COMPENSATION PAID IN RESPECT OF THE LAND

1. Compensation payable in respect of loss and damage in consequence of raising the level of the water in Loch Arklet:

(a) In respect of land - - - - £17,112 14s. 11d.

(b) In respect of

(1) acclimatisation damage through sheep to be put off the farms - - - - £327 10s. 0d.

(Acclimatisation value is a value (in excess of ordinary market value) in respect that a sheep stock become "acclimatised" to the land on which they are used to graze, and this sum (£327) represents what was supposed to be this value in respect of the sheep removed from the ground; a burden incident to the land).

(2) damage to fishings and shootings - - - - £399 19s. 10d.

N.B.—And this, in spite of the fact that the size of the loch was largely increased and the shooting over the area submerged was stated by the gamekeeper to average annually only some 20 snipe and 25 duck).

(3) damage to amenity - - - - £799 19s. 8d.

(estimated at cost of new planting and new fencing. The point was that it was said to be necessary in order to preserve the scenery of this "wild Highland glen" (the description of Counsel for the proprietor), that trees should be planted

SEC. I.] PUBLIC ACQUISITION : EXAMPLES

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round the enlarged loch,
and this item (£800) is the
estimated cost of the new
planting and the necessary
fencing to protect the trees).

- (4) In respect of detour of the
access road from Corrie-
hichon farm

£150

(The point about this item is
not that this represents the
cost of making the detour.
The making of a new road
to Corriehichon farmhouse
was required at the expense
of the Corporation in ad-
dition to this payment of
£150, which item repre-
sented supposed damage to
the capital value of the land
in consequence of altering
the road at all).

- (5) Compensation in respect of a
Curling Pond

£25

£1,702 9s. 6d.

Total of (a) and (b) . .

£18,815 4s. 5d.

- (c) In respect of Reinstatement (i.e.,
rebuilding) of Lettereigh Cottage
(a boatman's cottage used in con-
nection with Invernaid Hotel) . .

£300 0s. 0d

The total sum awarded is then . .

£19,115 4s. 5d.

- (d) An additional payment of £25 . .

£25 0s. 0d.

In addition, the arbiter found the Corporation liable to
construct various other works, including :—

- (1) A good and sufficient road between Invernaid and Stronach-
lachar wherever the present existing road is less than 3 feet above
the raised level of the loch, the maintenance of drains, etc.

- (2) A new occupation road to Corriehichon farm (N.B.—This
is in addition to the £150 already paid above in respect of the fact
that this alteration had to be made at all).

- (3) A path at Coalbarns Bay, with a suitable bridge.

- (4) The reinstatement of the boathouse at Corricarklet, with
sufficient causeway and appliances for launching, and various other

duties, including a requirement that all the fences interfered with or injured were to be restored.

In addition, *all* the legal costs in connection with the action had to be borne by the Corporation. The amount of the expenses in connection with the arbitration was £4,691.

In addition, the Corporation paid to the same proprietor £8,700 as compensation against feuing within the watersheds of Loch Arklet and Loch Katrine.

As regards the payment of £19,115 in respect of the 383 acres, it should be noted that these 383 acres formed part of four farms (rough hill pasture farms), the gross rent of which in 1908-1909 was £700, and the *total purchase price* of the whole of these four farms extending to 11,500 acres, at twenty-five years purchase of the gross rental would be $£700 \times 25$, or £17,500, that also includes the *value of the buildings* on the four farms.

There was part only of one farm building within the area to be submerged and a *separate* payment of £450 was made in respect of it at an earlier date. All the materials, etc., in the building also remained the property of the proprietor, and no part of this cost is included in the £19,115: which is an item which does not take account at all of the farm buildings on the four farms.

The 383 acres is one-thirtieth of the 11,500.

Thus, for the right to submerge one-thirtieth part of these farms the Corporation paid considerably more than the commercial value of the whole (including the buildings), and the £19,115, it should be noted, does not include the cost of roads, bridges, replacing fences, etc. required to be done by the Corporation in addition.

The Corporation are spending £150,000 on works of construction (the dam, etc.), at Loch Arklet and as soon as the waterworks are in use rates will have to be paid in respect of this expenditure. On the 4 per cent. basis a sum of £6,000 will be added to the annual value of the parish of Buchanan in Stirlingshire which will result in a large diminution in the rates paid at present by the proprietor who received the above compensation, and is the largest landowner there.

II.

In addition, the Corporation have to pay for other rights or uses they require in connection with the land.

The following for example is an instance: The Glasgow Corporation erected an overhead wire rope-way from Loch Lomond to the side of the dam or embankment at Loch Arklet and a small landing stage by Loch Lomond in order to transfer material from boats or barges to the carriers of the rope-way and so get it carried to the dam at Loch Arklet. They had of course to pay in respect of "loss and damage" supposed to be sustained by the proprietor through the intrusion of this wire rope-way into the solitudes of his hills.

The terms were as follows :

(1) That the Corporation should pay the proprietor the sum of £1,525 in respect of the landing stage, rope-way and the injury to sporting rights.

(2) The sum was payable in three annual instalments of £508, and a similar sum is payable for each year beyond the original three during which the rope way is in use.

The agreement was made in 1908, and the annual sum of £508 is still being paid (1914). Among other conditions of the agreement as to this rope-way are the following :

(1) That the rent of £508 is charged on the understanding that not more than 20,000 tons of material will be carried by the rope per annum. If the amount carried exceeds this a proportionately larger charge is to be made. In 1912-1913, for example, the Corporation paid £85 10s. 9d. for this excess.

(2) The Corporation are required to keep an actual account of the tonnage conveyed and to supply it to the proprietor.

(3) The Corporation are also to arrange for a police constable to be allocated in the district during the operations. This costs them over £80 per annum.

It is to be recollected that the area traversed is rough heather-covered moorland.

III.

To make a moderate estimate of the cost to the Corporation in connection with Loch Arklet, the following items would be included :

(1) The £3,000 for the right to store the water.

(2) £19,000 in respect of the land.

(3) £2,000 (say) in respect of buildings, roads, bridges, fences, etc.

(4) £1,700 in respect of the restriction of feuing rights on these four farms.

(5) £4,500 legal expenses of arbitration. £30,200 total.

This includes nothing in respect of the overhead rope-way, etc. But the essential point is that the *total capital value* of the *whole of the four farms* at the existing rental of £700 at twenty-five years' purchase was only £17,500.

But in respect of their dealings with a very small portion of this area the Corporation paid £30,200. And all the land in question is far away in the hills and of low value for pastoral or other purposes.

We have given one example at length in order to show clearly how the claims are built up and the results to which they lead, results which can scarcely be described as other than fantastic. The case is typical of others.

We have space only for a short summary of a few other cases. Such cases occur in every town and with every local authority.

Section II.—WATER SUPPLY.

CLYDEBANK AND DISTRICT WATER TRUST.

Burn Crooks Water Works.

In 1906 the Town Council of the Burgh of Clydebank considered that it was proper and necessary that the water supply of the town should be under their control. At that time the supplying authority was the Eastern District Committee of the County Council of Dumbarton.

Owing to shipbuilding and industrial activity the population had been rapidly increasing, and it was thought that this was likely to continue. This has been proved to be correct for in 1901 the population of the area now included in the Burgh was 20,898, and the 1911 Census showed this to have then increased to 37,548. The Town Council considered that the matter of providing additional sources of supply was very urgent and that unless something was at once done a water famine in the near future was likely to arise.

The Town Council therefore decided to promote a Provisional Order to incorporate a Public Trust and to transfer to that Trust the existing water undertaking, and to authorise the construction of additional water works.

It was found that suitable works could be constructed at Burn Crooks in the parishes of Killearn (Stirlingshire), and Dumbarton (Dumbartonshire) by building a dam across a valley.

To construct the works it was necessary to purchase land on two estates.

The Town Council desired that the Order should go before Parliament as an unopposed Order so far as the proprietors were concerned, and they therefore endeavoured to adjust amicably the prices to be paid.

They considered that a very full price for the land would be £50 per acre, as regards one of the estates and £40 per acre, as regards the other. The proprietors, however, wanted £120 per acre.

After discussion and negotiation the areas to be acquired and prices were fixed as follows:

Estate.	Acres.	Price per acre.	Total.
1	76½	£ 100	£ 7,650
2	49½	80	3,960
—	126	—	11,610

There was no severance damage in respect of this land.

The Town Council were advised that these figures might be awarded in an arbitration, (if the matter was not settled amicably), and that the whole arbitration costs, which would be very heavy, would also have to be borne by them.

They therefore agreed to pay these figures, although they considered that they were much too high.

They felt that they were powerless in the matter and had perforce to agree.

The shooting rights and also the fishing in the reservoir to be formed were reserved to the proprietors.

The land taken was peat moss and heather land, and would not be valued for more than 5s. per acre per annum. It was very wet. Practically the whole of the area taken was covered with peat. This peat had to be stripped from the site of the embankment before it could be built. The peat had a depth of five feet on certain parts of the site.

In addition to the price above paid there was also paid to one of the proprietors under an agreement, the sum of £1,000 for severance damage as a result of the construction of a catch-water conduit about three miles long; also it was stipulated that the conduit should be fenced and numerous crossing places erected, and that there should also be provision for watering the sheep.

Wayleaves had also to be paid for, which averaged about 2s. 6d. per yard.

KILMARNOCK.—An area of 177 acres of land was required in 1909, for the purpose of providing a new reservoir. The land was of very poor quality. 163·92 acres were let at a rental of 3s. 5d. per acre, i.e., £28 for the whole area. At twenty-five years' purchase this would be worth £700. £7,021 10s., however was paid, and the total cost to the Corporation was (including tenant's claim and expenses) over £9,000.

The following are the details :

LOCHGOON.

	£	s.	d.	acres.
Proprietor's Claim	7,021	10	0	163·92
Outlays (excluding Interest)	129	10	6	
Tenant's Claim	898	6	10	
Fees and outlays in reference	962	2	9	
Average cost per acre, £54 19s. 6d.	9,011	10	1	

(Acquired by arbitration).

	£	s.	d.	acres
Proprietor's Claim	700	0	0	130
Outlays (excluding Interest)	64	8	5	
Tenant's Claims	160	0	0	
Outlays	9	12	8	
<hr/>				
Average cost per acre, £71 9s. 4d.	934	1	1	

(Acquired by agreement).

It is stated that £10 per acre would have been a liberal sum to have paid for the above lands.

DUNDEE.—The Dundee Water Commissioners paid for 40·4 acres of moorland about 3 miles beyond the boundary of Dundee a sum of £5,473, or £136 per acre.

For other land near the same place they had to pay as follows:—

	£	s.	d.
*844 acres	379	16	0
*027 acres	24	6	0

About seven years ago the Commissioners purchased a few acres for a small service reservoir, of which the agricultural rent was about 30s. per acre. The price was £90 per acre. At the same time they purchased from a neighbouring estate about 6 acres, the agricultural rent of which was 18s. 6d. per acre. The arbiters awarded £106 per acre, and in addition the Commissioners had to pay all expenses.

At Lintrathen, one estate received altogether over £80,000 for land, water and wayleaves from the City of Dundee.

The first purchase, which was made about 1875, cost £100 per acre for arable land. Portions of the same arable land on the same farms were purchased a year or two ago by the Commissioners at £75 per acre by agreement. The Commissioners did not care to risk arbitration because of the heavy expenses, and there being little hope of them getting any advantage. The agricultural value of this land would be about £1 per acre per annum, as it is comparatively poor land and 8 miles from a railway station.

A COUNTY COUNCIL.—A County Council having the administration of a large and populous county have paid for moorland for waterworks at the rate of £235 per acre. They have also paid for a piece of ground for the same purpose £1,188 and in addition £754 of arbitration expenses. For 142 acres of moorland they paid at the rate of £53 per acre. This was by agreement, as on a former occasion they paid £6,084 for 172 acres, and in addition £1,906 of arbitration expenses. In the last-mentioned cases the tenants of the land went to arbitration with the Local Authority as to the settlement of their claim for damages, and the Local Authority had to pay in the one case £2,573 with £886 of costs, and in the other £2,508 with £748 of costs.

acres.
1307

The following is a list of thirteen cases produced in evidence in a recent arbitration, for the purpose of supporting the claim for a high price. This illustrates the point mentioned at page 442 as to prior awards being used as precedents.

Year.	Corporation.	Land acres.	Rate per acre.	Wayleave.	Notes.
			£ s. d.		
1885	Glasgow - -	—	—	4s. 6d. per yard.	
1897	Kirkintilloch - -	—	100 0 0		
1897	Airdrie and Coat- bridge - -	74½	75 15 0	Road 4s. per yard; pipe 3s. (3 pipes)	Downfall green land, 8s. per sheep.
1898	Glasgow - -	1	90 0 0	4s. 6d. per yard. 4 pipes, 4 foot drain.	
1899	Dumbarton C.C.	27½	60 0 0		Hill land down- fall. No mead- ows.
1899	Dumbarton C.C.	18	60 0 0	Road 3s. 6d.; hill, &c., 2s. 6d.	
1899	Glasgow (Loch Katrine).	16½	94 15 0		
1899	Glasgow (Loch Katrine).	26	53 15 0		
1899	Glasgow (Loch Katrine).	68½	81 13 0		
1901	Stirlingshire C.C.	20	85 5 0		Downfall green land. Spritty hay ground.
1901	Stirlingshire C.C.	6½	74 0 0		Downfall green land. No meadow ground.
1902	Lanarkshire C.C.	20½	56 0 0		Poor hill ground. Very little green land.
1905	Prestonpans -	15½	106 0 0	Pipe, 2s. per yard.	Heathery hill land. No mea- dows.
1906	Clydebank -	55½	100 0 0	Road 4s.; arable, 3s.; hill pipe, 2s.	
			1,034 3 0		

Average for 13 cases, £79 10s. per acre. An essential feature of these waterworks schemes is that the land in question is almost invariably land of small value for pastoral or agricultural purposes, situated far away in the hills.

Section III.—IMPROVEMENT SCHEMES AND CLEARING OF CONGESTED AREAS.

A special hardship is experienced in the case of these schemes because, as a general rule, the properties are in a very old and dilapidated state or are so constructed or situated as to

be practically uninhabitable. In fact, the reason for the acquisition is, as a rule, that their continued existence is dangerous or injurious to the public health; but nevertheless the authorities have had to pay for such properties far higher prices than would have been justified even if they had been of the best class.

GLASGOW.—The Corporation of Glasgow, for example, under the Improvement Act of 1866 paid prices varying from £4 10s. to £11 10s. per square yard for ground and buildings, including compensation for disturbance, i.e., a price of from £21,700 to £55,600 per acre.

GREENOCK.—In Greenock a slum area was cleared about 1870, 2,300 persons were displaced, and the cost of the scheme was £201,940. Of that indebtedness there remained in 1908 £173,800, and by the Greenock Corporation Act of 1909 this is to be repaid in 40 years. At present a 4½d. rate is being levied to meet it. In the Scottish Report of the Royal Commission on the Housing of the Working Classes (1885) it is stated that:

The cost of clearance had been very heavy, 14 to 25 years' purchase having been given for houses which ought not to have been inhabited at all.

Section IV.—TYPICAL CASES OF OPEN SPACES, ETC.

GLASGOW.—The Corporation paid £20,208 for 12,420 square yards for Phoenix Recreation Ground, i.e., £7,875 per acre. (There was an old disused factory on the site.)

The Corporation paid £2,682 for 1,020 square yards for Paterson Street Recreation Ground, i.e., £12,725 per acre. (There was an old self-contained house on this ground.)

The Corporation paid £1,163 for 475 square yards for Moncrieff Street Recreation Ground, i.e., £11,871 per acre.

The areas given for Recreation Grounds above are for size of ground within street lines.

The Corporation paid £8,000 for 70 square yards at the foot of Buchanan Street for street widening, i.e., £533,142 per acre.

The Corporation have at present secured ground in the Broomielaw Ward for an open space at the rate of £4 a square yard, i.e., £19,360 per acre. (There were old ruinous buildings on this ground.)

SEC. IV.] PUBLIC ACQUISITION: EXAMPLES

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GLASGOW.—List of some purchases of ground for public parks and recreation grounds:

Year.	Extent.			Park.	Price.			Price per acre.
	Acs.	Rds.	Pls.		£	s.	d.	£
1867	20	2	29	Kelvingrove Park	19,966	2	0	960
1875	6	0	7	Kelvingrove Park	31,241	5	0	5,160
1885	13	1	4	Kelvingrove Park	65,810	19	4	4,944
1857	141	2	37 ¹ / ₂	Queen's Park	30,000	0	0	208*
1894	57	3	38 ¹ / ₂	Queen's Park	63,000	0	0	1,088*
1871	87	2	0	Alexandra Park	25,664	1	3	293
1891	40	0	0	Alexandra Park	8,000	0	0	200
1892	59	2	0	Ruchill Park	35,700	0	0	600
1895	176	0	0	Bellahouston Park	50,000	0	0	284
1897	82	2	0	Tollcross Park	28,894	5	0	350
1898	44	0	8	Richmond Park	41,123	1	0	928
1892	39	1	4	Springburn Park	15,711	10	0	400
1892	16	3	36	Springburn Park	4,998	15	0	288
1900	28	0	4	Springburn Park	6,342	10	0	224
1893	3	3	27	Recreation Ground, Govanhill	12,200	2	0	3,112
1895	6	2	16	Recreation Ground at Dumbarton Road	30,000	0	0	4,544
1891	21	2	0	Botanic Gardens	59,531	0	0	2,769

* It will be observed that the land purchased in 1857 cost £208 per acre, and the adjoining land cost £1,088 per acre in 1894.

DUMBARTON.—The authorities have had to pay £1 per square yard for ground to widen a street and this may be taken as the figure charged for other improvements carried out.

£14,000 was paid for about 35 acres of ground for a park, £400 per acre.

Ground for a public building was purchased at £5,000, which works out roughly at £2,400 per acre, which, at 5 per cent, gives a feu duty of about £120 per acre per annum.

EDINBURGH CORPORATION.—The following are the prices at which the Edinburgh Corporation have in recent years purchased vacant land for public parks:

In 1884 Blackford Hill, 95 acres, £8,000. £84 per acre.

In 1889 Inverleith Park, 61 acres, £33,500. £549 per acre.

In 1890 Braid Hills, 134 acres, £11,000.	£82 per acre.
In 1895 Colinton Mains, 120 acres, £20,500.	£162 per acre.
In 1898 Portobello Park, 55 acres, £25,000.	£454 per acre.
In 1900 Saughton Park, 98 acres, £52,900.	£539 per acre.

Section V.—SITES FOR SCHOOLS.

When a School Board has to provide a school in a position suitable for the requirements of a growing population, its choice is often limited to one or two sites. The necessity for the school arises when the district has been largely built upon, and to meet that necessity the school must be built in a central situation. Consequently it is a common experience that in such circumstances the ratepayers have to pay very high prices for the land required by them. In other words the development of the district and the growth of the population while making the provision of schools necessary has at the same time enhanced the prices of suitable sites; and not only is there the high cost but there is the tendency to discourage the taking of an ample supply of ground in order to make liberal provision for playgrounds, etc., and to allow of the school being built in accordance with the best hygienic principles and in a bright and open situation. At present urban schools are too often found in cramped, noisy, and depressing surroundings with playgrounds which are altogether inadequate. If in cases such as these the authorities were able to acquire land in anticipation of future development, and to acquire it under compulsory powers, they would not only have an opportunity of saving a large amount of expense to the ratepayers, but they would be encouraged to provide playgrounds, open spaces, etc., on a more generous scale. It would appear, however, that a School Board might have difficulty in exercising such a power itself owing to the fact that it only requires land for one specific purpose. It might, for example, buy land in anticipation of future developments and find later that through some change of circumstances the site was unsuitable for the purposes of a school. There would, of course, be less risk of this where town planning was in operation; for in a

Town Planning Scheme the sites of schools could be fixed definitely and the land could then be acquired by the authorities. Probably, however, the power of acquiring land for future development should be in the hands of one local authority for each district, say the Town or County Council, which would exercise its powers not only for its own special purposes but also as Trustee for the other local authorities to whom any land required by them could be transferred at its actual cost. Again, it would be necessary that land acquired by a public authority should not be restricted to any definite use but could be devoted to any communal purpose subject to the approval of the Government Department. Thus, if in the course of development it was found not to be so convenient to use it for the original purpose it could be utilised for some other object.

GLASGOW.—The following are a few examples of the prices paid for sites in individual cases:

The site of Bishop Street School containing 3,766 square yards cost £18,886 10s. 6d. in addition to an annual feu duty of £1 7s. 1d. This is equivalent to a price of £24,288 per acre.

The site for Gorbals School containing 3,600 square yards cost £16,011 9s. 7d., together with a feu duty of 12s. This is equivalent to over £21,500 per acre.

The site of Sir John Neilson Cuthbertson School, containing 6,580 square yards, cost £13,141 12s. 11d., together with an annual feu duty of £5 1s. This is one of the most recent schools built in a suburban area on vacant land.

CATHCART.—Cathcart School Board had to pay an annual feu duty of £100 per acre for the site of Mount Florida School.

In 1908 Cathcart School Board purchased 6,886 square yards as the site for a school near Cathcart Bridge. The value assigned to it for rating was £3 10s. 10d. a year, and the price paid by the School Board was £3,270 17s.—about £2,500 per acre.

EDINBURGH SCHOOL BOARD.—The Edinburgh School Board have paid the following prices for sites for their schools, including such buildings as were on the sites and which were demolished after purchase, viz.:

In 1901, at Comely Bank (for "Flora Stevenson School") 5,000 square yards, feu duty one penny, price £4,904 11s. 11d. Buildings of little value before sale. (19s. 11d. per square yard, or £4,850 per acre.)

In 1901, Parson's Green, 1 acre, feu 5s., price of £3,144 15s. 10. (13s. per square yard.)

In 1903, at Craiglockhart, 6,050 square yards, feu duty 1d., price £4,467 5s. 3d., vacant land. (17s. 7d. per square yard, or £3,573 per acre.)

In 1907, at Gilmore Place, 5,500 square yards, feu duty £13 8s. 6d., price fixed by arbitration, £9,313 0s. 2d.; buildings merely builders' sheds and temporary workshops of no great value. (Equivalent to £8,140 per acre; if including feu duty, £8,410.)

In 1911, at Tynecastle, 3½ acres, feu duty 1s., price £7,692 (vacant land). (Equivalent to £2,190 per acre.)

In 1912, at Bellevue, 4.73 acres, feu duty nominal, price £8,280 (vacant land). (Equivalent to £1,750 per acre.)

Section VI.—OTHER EXAMPLES.

This experience of high prices is quite general where land is required for any kind of Municipal undertaking.

The following are a few examples :

EDINBURGH AND LEITH GAS COMMISSIONERS.—In 1897 the Gas Commissioners acquired at the price of £124,000 (i.e. £1,167 per acre) 106½ acres of land near Granton for Gas Works, with certain rights to the foreshore and to deposit refuse in disused quarries. The land was at the time mostly agricultural, and would not be let at more than £5 10s. per acre on an average. The Commissioners approached two owners of an adjoining estate, but they asked almost double the above price for not such suitable land.

DUNDEE.—In 1863 twenty acres of land was purchased for £9,000 for a cemetery. In 1877 an extension was required, and the price asked for the same extent of land alongside of the first twenty acres was exactly double, viz., £18,000, or at the rate of £900 per acre.

This was purely agricultural land, rated at from £1 5s. to £1 10s. per acre per annum.

KILMARNOCK GAS WORKS.—In 1902 the Kilmarnock Corporation acquired 16½ acres of nursery land to erect gas works. This land was rated at £40 per annum, or about £2 10s. per acre per annum.

The Corporation had to pay £7,064 10s. 6d., or £440 15s. per acre.

PAISLEY.—For ground for cemetery at Johnstone the Parish Council had to pay at the rate of £350 per acre and compensate the farmer. The previous rent would be about £2 per acre.

LANARKSHIRE.—UDDINGSTON, ETC., DRAINAGE WORKS.—In 1899 the Local Authority acquired about $1\frac{1}{2}$ acres. The price fixed was £640 2s. 6d., the award for the ground being based at a rate of £264 per acre, with an allowance of £100 in respect of depreciation of surrounding land. The arbitration expenses amounted to £200 16s. 10d. These were all paid by the Local Authority. Further, the whole minerals were reserved to the superiors with power to work them without paying surface or any damages. It should be noted that the land was acquired under the provisions of the Public Health Act of 1897 for the purpose of constructing sewage works. In consequence of an alteration in the arrangements for dealing with the sewage from the Uddingston District, part of the ground was not utilised. The Local Authority were of opinion that the site was suitable for the erection of a slaughter-house, and the Drainage Committee were prepared to cede about one acre of the ground for that purpose. The site proposed was suited in every way to the purpose. The ground could be spared by the Drainage Committee, and it was clearly of advantage that it should be utilised at the earliest possible moment by the Local Authority for some other public purpose. The Local Authority were quite agreeable to the course suggested, but objection was intimated on behalf of the owners, who, after considerable correspondence, agreed to waive their objections, on condition that the Local Authority made them a further payment of £100.

SHOTT'S RESERVOIR.—Land acquired was less than two acres. Price claimed, £750. The land was moorland, and the Local Authority were advised by the valuator that its full value was £326. This sum was tendered, but was not accepted, and arbitration was resorted to. Ultimately the oversman made an award of £465 in full of all claims, the Local Authority paying all the expenses, which amounted to £219 6s. 7d.

CAMBUSLANG ELECTRIC LIGHTING AND REFUSE DESTRUCTION.—Ground acquired by agreement in 1904 under Public Health and other Public Acts. (1) Extent, $1\frac{1}{2}$ acres; price, £840; minerals reserved to superiors; no claim for surface or other damage. (2) $4\frac{1}{2}$ acres; price, £1,000; minerals reserved; no claim for damage (both pieces of ground are situated in an old quarry).

NEWTON AND FLEMINGTON DRAINAGE.—Ground extending to 1 acre, 3 rods, 9 poles, acquired in 1904 under the powers of the Public Health (Scotland) Act, 1897. Minerals reserved to superiors; no claim for damage; title restricted; ground to be used as site for sewage works only; no buildings or works of any other kind to be erected without consent of superior; price, £809 (low-lying ground, could not be used for ordinary building purposes, and in a locality where feuing was not likely to develop for many years).

Section VII.—PURCHASES OF LAND BY THE STATE.

When the Government comes into the market to acquire land, its experience is not any more favourable than that of other public bodies. The following are a few examples :

LIGHTHOUSES.

In 1900 the Commissioners of Northern Lighthouses, for example, required a portion of the Bass Rock as the site for a lighthouse. It was being treated as of no value for rating purposes, but the Commissioners had to pay a feu duty of £40 a year for it.

In 1902 they acquired for a similar purpose Hyakeir, the largest of a group of small, solitary waterless, islets to the south of Skye. It, also, was being treated for rating purposes as of no value, but the Commissioners had to pay £811 3s. 3d. for it.

NATIONAL DEFENCE.

In 1901 the War Office acquired a site of about 52 acres of agricultural land and foreshore near Kilcreggan, as the site for a fort for the defence of the Clyde. The value according to the Valuation Roll was £60 a year, but the War Office had to pay £14,500 for it, or rather more than 240 years' purchase.

In 1903-4 the Admiralty acquired at Rosyth, for the purpose of a naval base, properties aggregating nearly 1,200 acres of land and 300 acres of foreshore. These properties had an aggregate rental of about £1,700 a year, but the Admiralty had to pay slightly over £139,000 for them, or more than eighty years' purchase.

In 1908 the Admiralty purchased a site near Greenock of about 10 acres of land bordering the Firth of Clyde, with foreshore, as a site for a torpedo factory in connection with a new torpedo range. The rental according to the Valuation Roll was £11 2s. a year, but the Admiralty had to pay £27,225 for it, or 2,452 years' purchase of the rents' value. It is understood that the landowner at the same time gave £5,000 to the Corporation of Greenock towards a Common Good Fund.

Section VIII.—SEMI-PUBLIC BODIES.

Corporate bodies generally (such as Harbour and Navigation Trusts, Railway and Tramway Companies) when the needs of their undertaking require them to purchase land or buildings frequently have to pay high prices.

The Clyde Trust, for example, have spent in all over £9,000,000 in widening and deepening the river Clyde, in constructing docks and harbours, and otherwise forming what is one of the leading waterways of the world. Largely as a result of the expenditure of these millions, the price of land bordering the river has increased enormously, and that is land which with the Clyde in its natural state would only have had a moderate agricultural value. And there is, moreover, a certain irony in the fact that when the Clyde Trust requires land for new docks, etc., it has to pay this enhanced value which has been created by its own expenditure and enterprise.

The following are some examples of recent purchases made by the Trust:

Situation.	Property acquired. Description.	Rental.	Extent.	Purchase Cost, or Price.		
				In full.	Per acre.	Per yard.
Shieldhall	Land - - -	£	Acres.	£	£	s. d.
Elderslie	Houses £100 } £112 } and £12 }	—	94	62,800	665	2 9
	Land - - - 80 }	192	110	104,500	950	3 11
Merklands	Farm land - -	60	21	42,000	2,000	8 2
Meadowside	Football field - 60 } Erections by Club 90 }	150	19.86	84,197	4,225	17 6

Section IX.—LEGAL AND OTHER EXPENSES CONNECTED WITH PUBLIC ACQUISITION.

LOCAL AUTHORITIES.

The following are examples of the high costs involved in actions under the Lands Clauses Acts:

GLASGOW.—*Bridgeton Cross Improvement* at Corner of Dalmar-nock Road and Main Street—186 square yards. Claim, £7,000. Award, £2,706 10s. Expenses, £1,122 5s. 5d.

Tobago Street Improvement—86 square yards. Claim, £1,349, plus 10 per cent—£1,483 18s. Award, £440. Expenses, £478 5s. 1d.

The following is a statement showing Costs in Arbitration Proceedings for compulsory Acquisition of Lands, etc., paid

by the Corporation of Glasgow Improvements Department under their Act of 1897.

Purchase No.	Amount claimed.	Amount awarded.	Total expenses.	Per cent. of costs to sum awarded.
	£	£ s. d.	£ s. d.	
16	9,000	7,465 0 0	687 9 5	9.2
66	1,760	891 0 0	472 16 0	53.08
77	3,446	2,142 12 0	1,158 6 11	54.06
78	5,500	3,520 0 0	572 8 3	16.25
141	9,100	4,597 0 0	917 6 9	19.95
115	10,000	5,565 0 0	1,549 10 3	27.85
118	4,000	1,965 0 0	963 17 9	49.05
120	3,100	2,250 0 0	707 11 8	31.46
79	5,000	800 0 0	546 17 3	68.37
117	5,351	2,994 0 0	127 12 6	4.28
	56,257	32,189 12 0	7,703 16 9	23.93

Sauchiehall Street Improvement.

Area - - - - - 4,215 sq. yards.
£ s. d.

Price of Land - - - - - 11,935 2 0

Redemption price of Ground Burdens - - - 3,364 17 1

Costs of Acquisition - - - - - 5,365 10 5

The amount claimed, amount awarded, and total expenses in the five cases in which the arbitrations went to proof were:

Property.	Amount Claimed.	Amount Awarded.	Total Expenses.
	£	£ s. d.	£ s. d.
2, Sandyford Place —	1,000	142 0 0	500 4 10
15, Sandyford Place —	700	122 0 0	1,053 5 9
6, Fitzroy Place —	1,000	279 0 0	460 3 11
10, Fitzroy Place —	950	297 4 0	787 4 0
15, Fitzroy Place —	958	285 0 0	189 15 3
	£4,608	£1,125 4 0	£2,990 13 9

In those cases, although the amounts awarded were so small compared with the amounts claimed, the Corporation had to bear the claimants' expenses as taxed, and the fees payable to the arbiters and oversmen, and the accounts of the clerks in the references. The whole sums awarded in those cases amounted to £1,125 4s., and the legal expenses paid by the Corporation amounted to £2,990 13s. 9d.

In the three Fitzroy Place cases, by arrangement with the owners, the question of compensation was settled by a single arbiter. In the Sandyford Place cases arbiters and oversman were appointed in each case. The oversman sat with the arbiters, and, on the arbiters disagreeing, the case was settled by the oversman.

EDINBURGH.—(1) A villa property was acquired for street widening, from which the net return to the owner was £62 7s.

	£
Claimants' valuations (alternative)	{ 3,850
	{ 3,900
	{ 4,036
The Corporation offered £2,000. The award was £2,000 plus 10 per cent. — £2,200.	

Expenses paid by Corporation were:—

	£	s.	d.
Arbitration Fee	31	10	0
Account of Clerk to the reference as taxed	101	8	5
Claimant's agent's account as rendered £500 19s. on taxation came to	305	7	2
Expenses incurred by Corporation	306	6	10
	744	12	5

(2) Business premises acquired for street widening—held under a family arrangement, at a rental of £200.

Award was for £7,810 6s. 4d. Claimants' and arbiters' expenses (exclusive of Corporation expenses) came to £954 9s. 6d.

(3) Tenants' compensation in last mentioned case came to £6,189.

There were fourteen witnesses for claimant and expenses paid by Corporation (exclusive of their own expenses) came to £1,553 16s. 9d.

(4) The tenant in the last mentioned case owned the premises next door, which were also taken for the improvement scheme. Rental in Valuation Roll was £506.

Arbiter awarded £11,051 plus £3,400 for trade disturbance. The Corporation paid (apart from their own expenses) costs amounting to £2,405 4s. 1d.

SEMI-PUBLIC BODIES.

The following cases in the experience of the Caledonian Railway Company are quoted by way of example. These cases have all occurred within the last twenty years.

In connection with the construction of the company's Leith lines, it was found necessary to acquire compulsorily certain property in the neighbourhood of Pilrig. The claim intimated amounted to £4,275, and the sum awarded in the arbitration proceedings, which followed was £1,546, while the expenses paid by the company reached the sum of £1,097, or approximately 71 per cent. of the compensation found due. These expenses included £376 representing arbiters' fees and their legal assessor's account, and £280 representing the claimant's agents' account, inclusive of counsel's and witnesses' fees.

Another striking instance occurred in connection with the construction of the Paisley and Barrhead District Railway, where a claim of £24,000 was intimated in respect of the lessee's interest in a long lease of works at Barrhead, and the sum awarded in the arbitration amounted to £6,460. The expenses incurred by the Company in this case amounted to £1,806, including £442 paid to the arbiters and oversman and their clerk, and £797 paid to the claimant's agent.

When the Ballachulish Extension of the Callander and Oban Railway was in course of being formed there were a number of arbitrations which present remarkable features of the kind under consideration. In one case, which had reference to land, granite rock and other minerals on a Highland estate lying along the shores of Loch Linnhe, the claim amounted to no less than £28,500, and after a long and exhaustive proof the award was given for £4,340, or considerably less than one-sixth of the sum claimed. The expenses amounted to £2,565, or almost 60 per cent. of the compensation awarded. In another arbitration, relating to the lessee's interest in land at —, also on the Ballachulish Extension Line, the claimant had intimated a claim of £800, and was awarded a sum of £214, while the expenses incurred were actually £258, and this notwithstanding the fact that parties agreed to dispense with proof.

Two instances may be given where the company endeavoured to protect themselves and minimise expenses by making the claimant a tender.

The first of these instances was an arbitration relating to a house and garden ground acquired at Hamilton in connection with the enlargement of the company's Central Station there. The claim was for payment of a sum of £3,000, and the compensation awarded was £1,350, the precise amount which the company had tendered. In accordance with the statutory rule before mentioned, the company

did not require to pay any part of the claimant's expenses, but nevertheless the proceedings in which they were the successful litigants cost the company £367, made up as follows, viz.:

Fees to arbiters, oversman and clerk	£	s.	d.
Fees to counsel and witnesses	150	11	6
Shorthand writer's account	189	6	0
	27	2	6
In all	367	0	0

The remaining instance has reference to an arbitration which was decided recently, and in which the claimants demanded payment of £1,000 of compensation in respect of damage to property belonging to them on the south side of Glasgow, in consequence of alterations carried out by the company on certain neighbouring streets by means of which the claimants got access to and from their premises. The company made a tender of £100, and after lengthy arbitration proceedings, extending over a period of two years or thereby, the oversman found the claimants entitled to a sum of £120 3s. 7d. Notwithstanding that the award was only a few pounds over the amount of the tender, the company had no right of relief from any portion of the expenses, and these, together with the compensation, amounted to no less than £883 7s. 5d., made up as undernoted, viz.:

Compensation awarded	£	s.	d.	£	s.	d.
Expenses:				120	3	7
Fees to arbiters and oversman, and clerk's account	246	16	7			
Claimant's expenses	352	6	0			
Counsel's and witnesses' fees and shorthand writer's account, etc.	164	0	6			
				763	3	10
Total	883	7	5			

CHAPTER XXXVII

THE RATING PROBLEM.

Section I.—INTRODUCTORY.

A certain amount of money necessarily has to be found by Local Authorities for carrying out their duties ; and local rating is concerned with the proportion in which individual contributors in the locality should pay to make up this sum. This sum should be raised in the most equitable and fairest manner, and also in a manner least restrictive of the development of the locality, and least burdensome to the utilisation of the land.

Section II.—THE EXISTING SYSTEM OF RATING.

By the Valuation Act of 1854, there is established and revised annually a uniform valuation of lands and heritages, on the basis of which practically all local rates are assessed and collected ; the Act only relates to valuation (the valuation roll giving the gross rental) and is expressly excluded from affecting questions of liability to assessment.

The basis of assessment is the yearly value of lands and heritages which is defined in Section 6 of the Valuation Act as follows :

“ In estimating the yearly value of lands and heritages under this Act, the same shall be taken to be the rent at which, one year with another, such lands and heritages might in their actual state be reasonably expected to let from year to year and where such lands and heritages are *bona fide* let for a yearly rent conditioned as the fair annual value thereof, without grassum or consideration other than the rent, such rent shall be deemed and taken to be the yearly rent or value of such lands and heritages in terms of this Act.”

The outstanding feature therefore of the system of assessment is that the rates are collected not upon the value of the land, nor upon the value of the improvements, but upon the value of the *use* to which the land is being put at the moment.

Section III.—GRIEVANCES CONNECTED WITH THE PRESENT SYSTEM OF RATING.

The present basis of rating is the subject of much criticism and we have received much evidence as to its deficiencies and as to proposed alterations. There are great inequalities in the rates levied in different localities for such objects as poor relief, main roads, police and public health, education, and similar charges, while the benefits derived are not by any means confined to the locality which bears the rate. Further, the expenditure borne by individual localities is to a large extent determined by rules laid down by the Central Government and Acts passed by the Imperial Parliament. In the same locality also the rates are unequally borne by different hereditaments and by different classes of persons. For instance, the rates paid by wealthy persons occupying small premises and realising large profits from their business (such as professional men generally, financiers, etc.), are small compared with those paid by shopkeepers, and in respect of factories, etc.

It is clear that in many cases there is no reasonable approach to the maxims of ability to pay or of benefit received.

The rating of improvements is felt to be specially unjust by progressive tradesmen and manufacturers, and by those interested in houses and business property who contend that they are penalised by the present system of rating which makes the contributions for the maintenance of local government fall so directly and so immediately on the value of houses and buildings; they contend that in this way they are subject to an unfair burden, and the development of industry generally as well as the adequate housing of the people have imposed upon them a direct obstacle to improvement. Those interested in property, such as the owners of houses and shops,

continually point out that no other industry is penalised so directly in this way. From the point of view also of the occupier of working-class houses, for example, it is complained that the present rating system acts in continuance of bad and inadequate housing, and results in imposing a disproportionately heavy burden on the poorer classes who necessarily pay in rent a larger fraction of their total income than do the richer classes, and consequently necessarily bear proportionately a greater share of the rates.

Section IV.—SUGGESTIONS FOR RATING REFORM.

Apart from minor adjustments such as making the basis for collecting parish and county rates the same, and securing greater uniformity as regards the various assessments the principal proposals that have been put forward for reform of the rating system are :

(a) That the basis of assessment should be the value of land apart from the improvements upon it, and that provision should be made for levying a rate on this basis.

(b) That a larger part at least of the expenditure incurred for certain services, such as poor relief, education, public health, and roads, should be borne by the National Exchequer.

The former proposal finds a large measure of support among authorities and parties taking an interest in this question. The latter proposal is a matter of almost universal agreement, and it will be discussed more fully in Section V. of Chapter XXXIX.

CHAPTER XXXVIII.

THE INCIDENCE OF RATES AS AT PRESENT LEVIED.

Section I.—THE PRESENT DISTRIBUTION OF THE BURDEN OF RATES.

The general tendency of the existing rating system is to concentrate the burden of rating on developed properties. At present a great deal of urban land, on the other hand, pays little or no taxation through being used and rented as :

(a) agricultural land at anything from 10s. per acre to £4 per acre, or

(b) vacant land at nothing at all because no one is making any use of it.

The acreage of the unused land in the burghs is not known ; but a Parliamentary return [144 of 1914, *Burghs (Areas and Rates) Scotland*] shows "for the year 1911-1912 with respect to each Royal, Parliamentary, and Police Burgh in Scotland, the area in acres of the Burgh, and of the *agricultural lands* and heritages therein, as defined by the *Agricultural Rates, etc. (Scotland) Act, 1896* ; the total amount of rates collected within the burgh ; and the amount of rates collected in respect of such agricultural lands and heritages." The return relates to 205 burghs, but for 15 of these an incomplete statement is given. The totals for the 190 burghs in respect of which complete figures are available are :—

Area in acres.		Total amount of rates collected in respect of	
Total area (including agricultural land).	Area of agricultural land (as defined by <i>Agricultural Rates Act, 1896</i>).	All subjects (including agricultural land).	Agricultural land.
157,881	58,833 (= 37.26% of total area)	£5,369,029	£16,823 (= 0.31% of total rates)

It thus appears that although the land rated as agricultural amounts to over one-third of the total area, the rates paid in respect of it are only $\frac{1}{4}$ d. in every £ collected in rates. Or, to look at the matter another way, there is paid in respect of the area rated as agricultural on the average 5s. 8d. per acre in rates; while in respect of the remainder (which includes vacant land and under-developed land as well as fully developed sites) there is paid on the average £54 per acre in rates.

It is perfectly clear that large portions of this "agricultural land" are not at present anything like as valuable as the average of the remainder of the burgh areas for building sites, and also that there is not at present any actual demand from builders for the whole of these urban "agricultural lands" for building. But, on the other hand, as already shown: (1) these burghs are extremely congested; (2) the rates at which land is feued are high, and to a certain extent dictated by the landowner; and (3) very large parts of this urban "agricultural land" are acquiring a value approximating to these feuing rates. Very small portions (if any) of these urban "agricultural lands" could be purchased at agricultural value; the purchase price taking into account the prospective value for building.

The following illustrations show in more detail how the present rating system concentrates the burden of rating on developed properties.

DISTRIBUTION OF RATE BURDEN IN GLASGOW.

At a meeting held on October 17th, 1913, the Lord Provost of Glasgow gave the following figures relating to Glasgow:

	Acres <i>ge.</i>	Average Valuation per Acre.	Municipal Rates paid per Acre.
		£ s. d.	£ s. d.
Total area of Glasgow - -	19,000	380 0 0	72 0 0
Area built upon - - -	14,000	522 0 0	99 0 0
Area suitable for building -	2,000	5 9 8	0 5 6
Area of agricultural land -	3,000	2 1 6	0 1 7

The Lord Provost gave also the following particulars. The Corporation of Glasgow wanted land recently in the Calton Ward; there were two vacant plots which they thought might suit them; one was rated at £5 per annum, and the proprietor wanted £2,340 for it. The other was rated at £10 per annum, and the proprietor wanted £2,842.

The point to which attention was directed was not that these capital values were not fair market prices, but that the land was paying very little in rates. If, for example, these plots of land were rated on the basis suggested by the Royal Commission on Housing of 1885 (namely on 4 per cent. of the capital value) the first plot would have paid rates on £93 instead of £5, and the second on £113 instead of £10.

The following statement shows for the year 1912-13—(1) the estimated capital value, (2) the rent in the Valuation Roll, (3) the amount of local rates; and (4) the rates per cent. on the capital value of the undernoted subjects situated in the Burgh of Glasgow.

Description of Subject.	Estimated Capital Value.	Rent in Valuation Roll.	Total Local Rates.	Rates per £100 of Capital Value.
	£	£	£ s. d.	£ s. d.
(1) A plot of ground extending to 346 sq. yds., situated at — street, partly occupied by a building in a ruinous condition	5,500	30	3 11 8	0 1 3
(2) Shop, — street, situated at the corner of — street and — street, occupied by a Tobacconist. The area is 26 sq. yds. - - -	6,500	395	140 6 1	2 3 2
(3) Two tenements of shops and dwelling houses, situated at — street. The area is 670 sq. yds. Feu duty £25 -	£1,510	146	42 17 10	2 16 10
TOTALS - -	13,510	571	186 15 7	—

NOTES.

(a) If Nos. 1 and 2 paid rates at the same percentage of capital value as No. 3 their payments would amount to £156 5s. 10d. and £184 14s. 2d. respectively.

(b) In order to produce the same total of local rates on the above subjects an assessment of £1 7s. 8d. per cent, of capital value would be required, and on that basis the contribution of each subject would be as follows:

(1) £76 1s. 8d. (2) £89 18s. 4d. (3) £20 17s. 9d.

HOUSING AND RATING.

Especially where the population is very densely crowded in these urban areas and the unbuilt-on land is available for building only on payment of considerable feuing rates, it is felt as a factor making against improved housing and making it easy also to withhold land from building until the price dictated by the owner can be obtained, that practically all the local rates are incident on the developed properties.

An example of the present system of rating is given by the owner of a plot of ground situated in the Dennistoun district of Glasgow. The capital value of the land as returned by the Government valuers was £1,480. So long as it remained unbuilt and unused the owner was asked to pay nothing. When houses were built to yield an assessed rental of £810, the sum to be paid in rates was £313.

The following examples from the Return referred to above may also be quoted:

CLYDEBANK.—The total area of the burgh is 1,424 acres and the total amount collected in rates is £75,855. Of this 436 acres are rated as "agricultural" under the Agricultural Rates Act and pay £138 towards the rates.

The population of the burgh is 37,087, of whom 69·0 per cent. are living more than two persons per room, 38·2 more than three, and 14·8 more than four persons per room.

PAISLEY.—The total area of the burgh is 3,538 acres and the total rates collected £127,186. The area rated as "agricultural" is 1,100 acres and pays £190 in rates.

The population is 81,915; and the percentage living more than two, three and four persons per room is 58·6, 29·5 and 10·4 respectively.

Section II.—VARIATION IN THE PROPORTION OF LAND VALUE AND RATES.

As indicating the manner in which land value enters into the existing rating system in the case of fully developed properties, the following analysis, supplied by a leading Glasgow builder, may be quoted :

The chief points are :

(1) That the value of land increases as a rule as one proceeds from the outskirts to the centre of a town.

(2) That the proportion of land value to the total value of a property is much greater in the central districts than at the outskirts. The burden of the rates of course depends upon the total value and consequently shows an increase proportionate to the increase in the total value.

APPROXIMATE ANALYSIS OF THE RENT PAYABLE FOR BUILT PREMISES.

Nett Rent as here used means the assessable rent, and is the actual amount paid in rent by the tenant. *Gross Rent* as here used means the nett rent plus the tenant's rates.

PER SUPERFICIAL FOOT OF NETT BUILDING GROUND PER ANNUM.

Houses.	Gross Rent.	Nett Rent.	Interest on Cost of Buildings, Repairs & Management.	Local Rates.	Probable Ground Value.
(a) Common type, no hot water -	5d. to 6½d.	4d. to 5d.	3½d. to 4d.	1½d. to 1¾d.	½d. to ¾d. more in central alum areas.
(b) Superior, with hot water, well finished -	0s. 7d.	0s. 5½d.	0s. 4½d.	0s. 2½d.	¾d. to 1d.
Offices, generally upstairs -	1s. 3d.	1s. 0d.	0s. 4½d.	0s. 4½d.	0s. 5½d.
	2s. 6d.	2s. 0d.	0s. 8d.	0s. 9½d.	1s. 0½d.
	3s. 9d.	3s. 0d.	0s. 10d.	1s. 2½d.	1s. 8½d.
	2s. 6d.	2s. 0d.	0s. 7d.	0s. 9½d.	1s. 1½d.
Shops -	3s. 9d.	3s. 0d.	0s. 10d.	1s. 2½d.	1s. 8½d.
	5s. 0d.	4s. 0d.	1s. 0d.	1s. 7d.	2s. 5d.
	12s. 6d.	10s. 0d.	1s. 6d.	3s. 10d.	7s. 2d.

This informant adds that in the City Parish of Glasgow the rates (owner's and tenant's together) are approximately 7s. 9d. in the £; and that, if it be assumed that the ultimate incidence of rates is on the site value to the extent to which site value enters into assessable value, the figures in the last column should be increased to the extent of 7s. 9d. in the £ to give the full site value.

Section III.—INCREASE OF LAND VALUES.

In urban localities there is a general tendency for land values to increase with the growth of population and of industry. This tendency, of course, does not operate equally throughout different areas, nor in direct ratio to the density of the population, but, speaking generally, increase of population and the development of industry tend towards the increase of land values. The value of the land on which Glasgow, Edinburgh, Aberdeen, Dundee, etc., stand, for example, is greater to-day than fifty years ago and still greater than a hundred years ago; at which periods great areas now covered with buildings were used for agriculture. As regards individual units of these urban areas the values may rise or fall unequally but the tendency on the whole is to increase. There are certain counteracting influences, such as the improvements in means of transit by tramways and railways, change of fashion, desirability, and use as regards certain localities, which depreciate values in some districts but increase them in others. Short of a considerable decrease in the trade, industries, prosperity and population of a town, the general tendency is that the value of its land increases.

Landlords on the outskirts of towns which are growing in population expect at some time to be able to feu or sell land at present being used for agricultural purposes at a very considerable value, and in purchasing and selling such land this prospect is taken into account and the value expected is anticipated in the price. On the other hand the present basis of rating takes no account of this anticipated value.

The following examples, out of many we have received, may be quoted as showing the increase of land values :

EDINBURGH.—Plot in Princes Street, area 665 square yards. The plot was feued in 1772.

Fenar paid £153 6s. 8d. to cover expenses of constructing sewers, streets, etc.

Fen duty £4 13s. 4d.—at 30 years' purchase say £140 or a total price in 1772 of less than £300.

Sum paid in May 1806—£100,000 for the site.

GLASGOW.—In 1857 the Corporation acquired the lands of Pathhead, extending to 141 acres, 2 roods, 34 $\frac{1}{4}$ poles, for the purpose of making the public park now known as Queen's Park, at a cost of £30,000.

Between 1869 and 1903, 28 acres, 1 rood, 29 poles (that is one-fifth of the whole area) was fenced or sold.

The sum received annually by the Corporation for the 69,673 $\frac{1}{2}$ square yards fenced amounts to £2,602 8s. 9 $\frac{1}{2}$ d.—or capitalised at 25 years' purchase, represents a sum of £65,060 19s. 9 $\frac{1}{2}$ d. The sums received for the 67,947 $\frac{1}{2}$ square yards sold amounted to £26,043 6s., making together £91,104 5s. 9 $\frac{1}{2}$ d.

CHAPTER XXXIX.

THE RATING OF LAND VALUES.

Section I.—SUMMARY OF ARGUMENTS IN FAVOUR OF THE RATING OF LAND VALUES.

The advantages claimed for the rating of land values are :

(i.) That it will make available to local authorities a new source of revenue based on the full value of undeveloped and under-developed sites, such sites being at present assessed at much lower values. The difference between these values does not contribute to the rates at present.

With the amount of rates raised increasing more rapidly than the present rateable value, local authorities are not only faced with increasing difficulties in raising necessary revenue, but improvements on housing and business premises are being subjected to a burden which increases continually and has increasingly injurious effects on the development of industry and housing.

From both points of view it has long been recognised that site value is a fair and equitable source of local revenue.

For example, in the Separate Report on Urban Rating and Site Values of the Royal Commission on Local Taxation signed by Lord Balfour of Burleigh, Lord Kinross, Sir Edward Hamilton, Sir George Murray, and the late Mr. James Stuart, it is stated that "urban site value is a form of property which from its nature is peculiarly fit to bear a direct and special burden in connection with 'beneficial' local expenditure"* and they justified this proposition upon two grounds :

(1) That urban sites increase in value owing to the expenditure of public authorities on improvements and "that the general

* Cd. 638, p. 165 and 167.

truth that the benefit of improvements attaches to the site is a powerful argument for making the necessary taxation proportionate to the site value."*

(2) That "a structure is a wasting, perishable property which requires repair and renewal, while a site is permanent and, as a rule, increases rather than diminishes in value. Consequently, when the main part of the value of a hereditament can be attributed to the site, that hereditament represents a greater ability to pay than one in which structural value predominates."*

(ii.) That it will secure for the community some part of the communal value which attaches to land owing to the presence of population and industry.

On this point Adam Smith, for example, may be quoted. He states :

Ground rents are a still more proper subject of taxation than the rent of houses. A tax upon ground rents would not raise the rents of houses. It would fall altogether upon the owner of the ground rent, who acts always as a monopolist, and exacts the greatest rent which can be got for the use of his ground. . . . Nothing can be more reasonable than that a fund which owes its existence to the good government of the State should be taxed peculiarly, or should contribute something more than the greater part of other funds towards the support of that Government.

(iii.) That by compelling the owners of undeveloped and under-developed sites to contribute according to the real value of their property, whether wholly utilised or not, it will induce the bringing of land into the market more readily than at present.

It will also make it unprofitable to retain old slum buildings on valuable central land.

The owner at present can practically determine the valuation of his land, and the amount of rates payable on it by determining the use to which the land is put—the valuation at present varying according to the use made of the land. A rate on site value would be the same whether the land were used or not.

Sites are not created by human agency, and the supply of sites cannot be restricted; except in the sense that a landowner can withhold from the market land that would otherwise be profitably

* Cd. 638, p. 165 and 167.

occupied. But, by so doing, he not only pays the site value rate but loses also the whole of the rent which he would be deriving from it if it were being used.

(iv.) That consequently it will assist in breaking down the ring of suburban land, at present partly held up, which surrounds so many towns and makes access to land for industrial, residential and other purposes so difficult by restricting the supply and so increasing the price which has to be paid for land before it is allowed to be used.

(v.) By exempting improvements from rating it will encourage the erection of buildings and other improvements. In the words of Sir Henry Campbell-Bannerman: Our present rating system operates as a hostile tariff on our industries.

To a man desiring to make new premises or to extend existing premises, the resulting factor of largely increased rates sometimes acts as a deterrent so that the necessary development of his business does not take place. He must calculate to recoup himself not only for his expenditure but also for the increased burden of rates immediately incident upon him (even though the business might not be productive for a considerable time). In this way a severe restraint is placed on normal economic development.

The following was a recommendation of the Royal Commission on the Housing of the Working Classes, 1885, (C. 4,402, 1885. Reprint 1889, p. 69). :

At present, land available for building in the neighbourhood of our populous centres, though its capital value is very great, is probably producing a small yearly return until it is let for building. The owners of this land are rated, not in relation to the real value, but to the actual annual income. They can thus afford to keep their land out of the market, and to part with only small quantities, so as to raise the price beyond the natural monopoly price which the land would command by its advantages of position. Meantime, the general expenditure of the town on improvements is increasing the value of their property. If this land were rated at, say, 4 per cent. on its selling value, the owners would have a more direct incentive to part with it to those who are desirous of building, and a two-fold advantage would result to the community

First, all the valuable property would contribute to the rates, and thus the burden on the occupiers would be diminished by the increase in the rateable property.

Secondly, the owners of the building land would be forced to offer their land for sale, and thus their competition with one another would bring down the price of building land, and so diminish the tax in the shape of ground rent, or price paid for land which is now levied on urban enterprise by the adjacent landowners, a tax, be it remembered, which is no recompense for any industry or expenditure on their part, but is the natural result of the industry and activity of the townspeople themselves.

The Separate Report of the Royal Commission on Local Taxation commented vigorously upon the connection between the rating system and the problem of housing (p. 167):

In the first place, there is a strong argument for rating site values on the ground of public policy, regard being had to the effects of taxation on industry and development. Our present rates indisputably hamper building. Buildings are a necessary of life and a necessary of business of every kind. Now, the tendency of our present rates must be generally to discourage building—to make houses fewer, worse and dearer. As Mr. Fletcher Moulton says: "A tax upon buildings proportionate to their value necessitates that the rent of buildings should represent a high rate per cent. on their cost. In other words, it drives people to take (and, therefore, drives builders to build) poorer houses. Taxation on the land has no such effect" . . . While the rating of site values thus concerns the public at large as an administrative reform, it is of special importance in connection with the urgent problem of providing house accommodation for the working classes. Anything which aggravates the appalling evils of overcrowding does not need to be condemned, and it seems clear to us that the present heavy rates on buildings do tend to aggravate those evils, and that the rating of site values would help to mitigate them. If more of the burden were thrown on sites, the portion left to be borne by buildings would be diminished, and this would weigh with the builder who is hesitating to embark on the erection of new structures.

The following quotation from Professor Marshall states briefly some of the advantages claimed for the rating of land values:

"Any tax which is so levied as to discourage the cultivation of land or the erection of buildings on it tends to be shifted forward

on to the consumers of the produce of land or the users of the buildings, and, if the buildings are used for the purpose of any trade, then further forward still on to the consumers of the products of that trade. But a tax on that part of the (annual) value of land which arises from its position, its extension, its yearly income of sunlight and heat, and rain and air cannot settle anywhere except on the landlord; a lessee being, of course, landlord for the time. This (annual) value of the land is sometimes called its 'inherent value'; but much of it is the result of the action of men, though not of its individual holders, and therefore it is perhaps more correct to call this part of the annual value of land its 'public value,' while that part of its value which can be traced to the work and outlay of its individual holders may be called its 'private value.' Speaking generally, a tax on the 'public value' of lands does not diminish the inducements of cultivators to cultivate it highly, nor of builders to erect expensive buildings on it. Such a tax therefore does not, in general, diminish the supply of agricultural produce or of houses offered on the market, any more than a tax on the net profits of a monopoly does. It therefore is not shifted away from the owners of land."—(C. 9528, p. 115).

Section II.—DISCUSSION OF OBJECTIONS TO THE RATING OF LAND VALUES.

We have obtained a great mass of evidence both in favour of and against the rating of land values.

We have given all the criticisms very careful and prolonged consideration and investigation, and have received very valuable information regarding them from the various interests concerned.

PRELIMINARY.

There is an almost unanimous agreement that a change of some kind is necessary in the present system of rating, but it must not be overlooked that in making any change at all there will necessarily be difficulty, the more so in a social organism as complex as ours, which has so long been adjusted to the particular system at present in use whereby valuable interests and expectations have not only been created in the past under the existing system, but have also been shaped for the future under the assumption of its continuance.

It is recognised that any change at all imposing either increased rates on the present basis or rates or taxes on a different basis must of necessity interfere with existing values to some extent and must almost inevitably affect some persons more than others (e.g., in the case of a rate on land values, the owners of less fully built-on sites will be more immediately hit than the owners of highly developed sites). It is clear, however, that to some extent objections on this ground must be discounted as objections to any change at all. Conversely any scheme giving increased financial aid from the Central Government to Local Authorities interferes with existing values in the sense of increasing them in proportion as properties are relieved of existing and future rating.

The advantages claimed on theoretical grounds for raising locally the revenue needed for local purposes on an income tax basis have also been pressed upon us; but we see so many difficulties on practical grounds that, on the information before us, we cannot consider it a practicable proposition. Much of the advantage desired to be gained in this way is secured by the State bearing a larger portion of expenses at present incident on the locality and raising the necessary revenue by income tax.

In view of the importance of the subject we proceed to examine briefly every criticism of importance that has been made to us in regard to the proposal for a rate on land values.

It is argued that rating of land values is undesirable—

VALUE OF LAND ALREADY RATED.

(1) *Because the value of land is already included in the assessable value.*

In some cases the full value of land is included in the present valuation, but in others it is not. It is included, for example, in every case in which the property is well-developed; on the other hand, the full value is not accounted for in the present valuation in cases in which the land is under-developed or entirely unused. But even if the full value of the land were included in the present valuation in

every case (which, of course, it is not), objection might still be taken to the inclusion of the improvements on the ground of unduly discouraging new and improved buildings and houses.

WHY LAND IS HELD OUT OF USE.

(2) *Because land is not held out of use because the present rating system exempts unused land from rating; but for entirely different reasons such as lack of capital to develop it, lack of demand for its use, and restrictions which prevent it from being fully utilised.*

So far as the restrictions affecting the land are purely legal and contained in feu charters, or under the existing law, and are unreasonable owing to changed circumstances, we consider that provision should be made for dealing with them equitably under the jurisdiction of the Government Department with power to remove on equitable conditions any arbitrary legal hindrances. As explained in the chapters on Tenure we consider this power should be given apart altogether from considerations arising on rating. It is fair on general grounds and is for the best interests of all parties.

In so far as such restrictions arise under the special circumstances of the law of entail relief would be provided in accordance with our recommendation regarding the law of entail.

As regards the suggestion that land is held out of use on account of lack of demand for it, there is a certain ambiguity. If there is no demand for the land for any better purposes than it is used for at the moment, it cannot be said to be held out of use; but if, on the other hand, there is such a demand, then the meaning attached to the phrase "lack of demand" for the land is that the price asked is so high that there are no offerers for it at that price. The insistence on this price accordingly makes its development impracticable. Further, as far as the development of land is restricted owing to lack of capital, the method of rating makes little difference except in so far as it may happen to affect the price at which land is available.

Admitting other hindrances to the development of land, the fact has clearly emerged in previous chapters that land is held out of use (being offered only at very high arbitrary feuing rates). It is clear that the present rating system does nothing to discourage this holding up, and it is equally clear that the whole community is interested in making it unprofitable to withhold land from use. Except for the vested interests involved few would seek to defend the present system which is certainly against efficiency and against the making of improvements.

CONGESTION OF BUILDING.

(3) *Because the rating of land values would induce people to be more economical in their use of land than at present and consequently would cause the erection of sky-scrapers and cause also the building over of gardens and open spaces.*

It should be noted :

- (i.) As regards sky-scrapers and the over-crowding of buildings on a given area of land, these are a matter in the first instance for the local building bye-laws to regulate. They do so at present and there is no reason why they should be relaxed in future. The tendency on the contrary is on general public grounds to restrict the number of houses per acre and to enforce more stringent rules. This is inevitable under the future development of town planning.
- (ii.) As to the building over of desirable open spaces, it should be noticed that in fact gardens attached to houses and private squares increase at present the rental value of the property to which they are attached (and also of adjacent properties) as the amenity is improved ; so that the value of these open spaces is included in rentals received and is now rated.

Further, since the effect of a rate on land values is to force more land into use it will tend to increase the available supply of land and presumably reduce its price. Under these conditions, therefore, it is unlikely that people will find it more difficult to have gardens and open spaces, when more land

is available for use under the pressure of a rate, than they find it under present conditions. The objection assumes that a tax on site values is a tax on the user of land as a user (which is the present system) whereas it is really a tax on the owner as owner.

SPECULATION.

(4) *Because speculation and the holding of land out of use would not be prevented but increased since large capitalists would be able to purchase the land of smaller owners and hold it out of use at their convenience. They could be more able and willing to bear the burden of a small annual rate or tax than any smaller men, with the prospect of obtaining ultimately an even higher price for the land than at present.*

There might be more tendency for small owners to part with their land than for larger holders. On the other hand the amount which a person would be asked to contribute in land-value rates would depend not merely on the amount of the rate in the £, but would depend also on the value of the land, increasing as that value increased, and consequently it would be more unprofitable than at present to hold land out of use no matter how wealthy the holder, and in addition as the value increased the demand made upon his other sources of revenue would become increasingly great.

NOT AN UNLIMITED DEMAND.

(5) *Because even if the development of sites in the centre of towns were increased to a large extent there is not an unlimited demand for business premises and office accommodation, and the development of such sites could only be at the expense of less desirable sites.* •

There is no doubt that the demand for business premises is not unlimited, and that any considerable increase in the supply of premises on the most desirable sites would tend to withdraw tenants from the less desirable sites, but, on the other hand, as shown in the discussion on (3) and (4), there is likely to be a greater area of land on offer for use ; tending

to the reasonable development of a larger area. One informant, referring to this point says: Glasgow offices being dear are often overcrowded, and are generally too closely built to give proper light and ventilation. The rapid improvement of transit facilities within the town (by cheapening fares, giving an increased and speedier service, etc.) tends also to extend the areas of greater desirableness.

RURAL RATING.

(6) *Because as regards rural districts generally the value of improvements is frequently as large as, or exceeds the value of the land, and further in the case of landholders under the tenure of the Small Landholders (Scotland) Act, 1911, the fair rents at present entered in the Valuation Roll are rents for the land alone; consequently if the value of farm-buildings, shooting lodges, castles, etc., is removed from the Valuation Roll, the amount of the rate levied will be increased and the amount of rates paid by the small landholders increased also.*

The fact that certain classes of the community have already received the benefit of the un-rating of improvements is not, in itself, a particularly strong reason why the same benefit should not extend to their neighbours. On the other hand, in the Highland districts especially, in any improvement of the rating of deer forests and sporting interests, it would be necessary that these sporting interests should be rated higher. The transfer, also, of any present rate burdens to national funds will diminish the amount required to be raised locally. (See also remarks in Section VI. on Rural Rating.)

RATING OF RAILWAYS, ETC.

(7) *Because difficulty would occur in connection with the rating of railways, etc., which in many rural districts contribute a very large proportion of the rates. It is said that if railways were rated on the value of the land such districts would lose a very large source of local revenue.*

The assessment of railways is now on rather a different basis from the assessment of other property, and at the present

moment, at least, it is not imperative that the assessment of railways should be changed. These remarks apply also to canals, waterworks, etc. The valuation of these subjects by an independent assessor appointed by the Government is probably the best procedure.

CAPITAL VALUE OR REVENUE AS BASIS OF RATING.

(8) *Because rating should be based on the revenue which is actually obtained from a property and not on its capital value which may be much greater than the capitalisation of the actual return from it at the moment.*

In a sense it may be considered unfair to rate or tax a man on a capital value attaching to his land while he is in fact only realising a small (or no) annual value; but it is clear on the other hand that a capital value in excess of the capitalisation of this annual value exists on account of the presence of population and industry, public services and communal advantages, and that, therefore, the owners of such capital values might reasonably be asked to make some contribution towards the upkeep of local services and the maintenance of these capital values.

PRESENT SYSTEM AS AN APPROXIMATION TO LOCAL INCOME TAX.

(9) *Because the present rating system is as good as can be devised, and is fair in the sense that it is a tolerable approach to a local income tax or ability to pay basis, and that any rate levied on a land value basis would be a further departure from the ability to pay basis and therefore in that sense a greater evil.*

It should be noted (a) that the present rating system does not approximate to the income tax basis so closely as claimed in so far as it presses much more heavily upon the poorer classes than upon the richer. Poor people spend a greater fraction of their income on housing accommodation than the richer classes. (b) It does not act as a local income tax in the case of men who conduct large and remunerative businesses from small premises, stockbrokers, financiers,

lawyers, professional men, etc. On the other hand, so far as it is a burden on improvements, it hits peculiarly hard men whose businesses compel them to occupy large premises such as shopkeepers and manufacturers. (c) A married man with a family requires more housing accommodation than a single man with a similar income; and has accordingly to make a larger contribution to the rates. (d) Shops, factories, warehouses, etc., have to bear their burden of rating irrespective of the incomes their business may be earning.

BENEFIT RECEIVED.

(10) *Because the present system approximates roughly to the satisfaction of the principle that people should pay towards the local revenue in proportion to benefits received.*

It is said that it is only just and fair that a large shopkeeper in an important thoroughfare should pay high rates having regard to the demand which he makes on all the local services; his large premises need more protection; his demand on lighting, etc., is greater; the highway facilities which bring customers to his shop are more utilised. On the other hand, (a) the present rating system is not proportionate to the amount of benefit received, because public expenditure helps to maintain the value of a vacant site, or of an undeveloped site, as much as that of a fully developed site, though the rate of contribution in the first case may be nothing, and in the other very small, although a large value is created by the public services. (b) The costs of lighting (other than public lighting), water and tramway services, are paid for directly by the consumers more or less in proportion to the amount of these services which they utilise and their cost is not met by an ordinary rate. As regards services such as poor relief, education, roads, etc., these are provided in any case by the community generally, and there is no direct relation between the benefits received from them and the value of the premises which a man happens to occupy. (c) In regard to police and maintenance of streets, it is more true that the benefit received from them bears a relationship

to the value of the premises occupied, but even in this case the relationship is not at all direct as a street may cost much to maintain in a poor centre as in a more wealthy one and the cost of police may be greater in a poor district than in a richer one.

Public services are localised and cannot be made use of without the use of a site in the rating area. The advantage which can be derived from them varies from point to point according to the environment. On the outskirts of a town for example, the advantage it is possible to derive from a tramway service or lighting may be nothing more than the charge which is made for them, but in the central districts of a town, these services owing to the locality make it possible to conduct business on a large scale and give value much greater than their cost, but as the services cannot be utilised without access to land, the advantage which they give is reflected in the value of the land and is reaped largely by the owner of the land.

EXEMPTION OF CAPITAL FROM RATING.

(11) *Because a rate on land values would exempt capital from taxation and would, in allowing factories and other business premises to escape, give an unfair advantage to those persons who have valuable factories or business premises upon land of low value.*

Rates on a factory or on business premises are a charge on the business, like other costs, and tend to appear in the price of the goods sold or manufactured and so are shifted from the immediate payer to the consumer of the articles. Any exemption of factories and business premises from rating would not necessarily mean a considerable advantage to a wealthy class, but would rather mean a remission of indirect and diffused taxation upon all classes (conferring greatest real benefit on the poorer).

DEPRECIATION IN THE VALUE OF LAND.

(12) *Because a rate on land values would depreciate the capital value of land and therefore confiscate a portion of existing privately owned values.*

It is not unlikely that, apart from other things which influence the value of land, a certain tendency to depreciate its capital value will exist, i.e., by the amount of the site rate capitalised; but, on the other hand this assumes that unlike much of the present rates the site values rate is not shifted, but is incident where it is imposed, and consequently does not have the effect of adding to the cost of business premises, housing accommodation and commodities generally.

Further, as previously explained, it is impossible for the State to impose or remit any taxation or any rates (or indeed to legislate at all) without at the same time depreciating or increasing the value of some form of property. If, however, the change is desirable on general grounds and its advantages outweigh its disadvantages, the fact that there are disadvantages (as there must always be) is not in itself a valid reason against making any change at all.

On the other hand the remission of rates on the buildings would make them a better security. The present system itself with its periods of speculation and depression periodically causes serious loss and insecurity. It should be noted, also that land as assessed at present is subject to a similar burden in the form of the portion of the rates incident on the owners, which is an uncertain burden to the extent to which it increases and may increase.

CERTAIN CLASSES MIGHT MAKE SMALL PAYMENT.

(13) *Because it would not compel such persons as stockbrokers, professional men, financiers and other people realising large profits from very small premises to pay to the local services in proportion to their real obligations.*

A rate on land values would make a small demand on such persons. This objection with equal force applies also to the present system of rating. A local income tax is administratively impracticable. The graduation of the national income tax, together with Exchequer grants to local authorities, has practically met this objection.

PRIVATE OWNERSHIP OF LAND.

(14) *Because a tax on land value would render the private*

ownership of land in the first place unprofitable and eventual impossible.

It is not at all true to say that a rate on site value would diminish the possibility of making use of the land from the point of view of the user. It would, on the whole, seem to be an advantage to the user for it would not increase the amount he would require to pay for the privilege of making use of the land, and its effect would rather be that he would pay less owing to the increase in the supply of land made available for use. The landlord would still have the full power of utilising the land, and there is no reason why the desire to own land for any productive purpose should be diminished.

LAND VALUES ALREADY TAXED.

(15) *Because as land values are already taxed under the Finance (1909-10) Act, it is undesirable to impose any further taxation on them.*

Taxes are levied under the Finance (1909-10) Act on the actual increment in capital value and on undeveloped land in certain cases. These taxes are not for the benefit of local authorities.

The rule does not apply at present that the State and the local authorities shall not ask for a contribution in respect of the same property in order to meet their entirely different expenditure (e.g., local rates are not remitted nor taken into account in respect of a dwelling-house by reason that it is subject to Inhabited House Duty, nor in respect of a landed estate by reason that it is included in Schedule A of the Income Tax).

If, in considering the best way in which to raise contributions to meet the local expenditure, it is reasonable to ask a contribution in respect of land value, that reasonableness is in no way diminished by the provisions of the Finance (1909-10) Act.

Section III.—RATING OF SITE VALUES SHOULD BE ADOPTED.

Accordingly, we consider the principle of rating site values fair and reasonable. We have not had access, however, to

the valuations made under the Finance (1909-10) Act, 1910, but we understand that the valuations of typical areas are being completed rapidly with a view to the complete information being available on which to consider the detailed method in which the site values rate should best be raised. In the absence of this information, it would obviously be premature for us to say at this stage which is the best method on which to raise the rate.

Any rate on land values involves setting up a new assessment roll (or additional columns in the present roll) showing the selling value of the land apart from any structures or improvements upon it; and where more than one person is interested in the land value, the capital value of the various interests should also be shown.

The proposals we regard as practicable contemplate the imposition at first of a small rate on the site value basis; the remainder of the rates being raised in the existing fashion. There would therefore be two different valuations running concurrently. The local assessors should have access to the valuations prepared by the officials under the Finance (1909-10) Act, which would supply the bulk of the information required, and the making of the additional valuations would not necessarily be difficult or costly.

Mr. Clement, pending the completion of the full details of the Valuation, reserves his opinion on rating of land values.

Section IV.—SOME POINTS CONNECTED WITH METHODS OF RATING SITE VALUES.

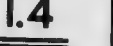
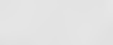
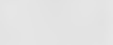
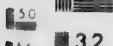
In the separate Report of the Royal Commission on Local Taxation (signed by Lord Balfour of Burleigh, Lord Kinross, Sir Edward Hamilton, Sir George Murray, and Mr. James Stuart) it is stated: "All existing contracts should be absolutely respected, but, in the case of future contracts, the owner should be entitled to deduct from any rent, feu duty or ground annual payable to a superior, the amount of the rate in the £ upon the value which attaches to the site at the date when the contract is made; a like right of deduction being given to any intermediate parties against their superiors."

It is said that if this were done owners of land being subject to rates on its value would be unwilling to feu or lease their land, because they might be subject to rates in the future on the feu duty, but would make it available only to persons who purchased it outright, and that



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consequently builders and those who wish to make use of land would have to meet a much heavier initial expenditure than they do at present.

It should be noticed that the common practice at the present moment when acquiring land for building purposes is to feu it. Though a rate on land values was imposed it is not clear that the practice would be different, as the imposition of a rate on land values will not increase the owner's ability to hold the land up or to impose onerous terms upon the person who wishes to make use of it, and, to the extent that land is made more readily available under this pressure and there is greater competition among owners to dispose of it, the ability of the builder to obtain land on at least as convenient terms as before is unlikely to be diminished. The effect is more likely to be the opposite, namely, that in so far as the landowner will bear a larger burden than now on his undeveloped land, there is the greater inducement for him to come more speedily to terms with builders, etc., so as to realise some return from it.

It is alleged further that the superior while parting with his land to builders, etc., not less readily than before would prefer to part with it under the security of a bond, the builder taking the land as purchaser subject to an annual payment equal to the former feu duty. As there would be an element of uncertainty regarding the calling up of the bond, the interest of the person taking the land for development is not so good, nor could he raise money on it so readily as at present by the creation and sale of ground annuities. Frequently, however, when builders obtain money on land the security is primarily the building and not the land, as the builders' interest in the land at the time when it is first acquired is a small one, being subject to the payment of the feu duty. In so far, also, as buildings are relieved from rates they are a better security on which to raise money.

On the other hand the system of financing building operations by increasing the permanent fixed charges on buildings though of advantage from the point of view of securing money for the builder at a cheaper rate and gaining also the benefit of deferred payments, has in it (especially in its excessive development) the great disadvantage of saddling the property for all time with fixed charges, some portion at least of which should in some cases more properly be cleared off during the life of the buildings with reference to which they were created. There are disadvantages as well as advantages in preferring fixed annual payments *in perpetuity*, and whereas the builders as a class experience more directly the immediate benefits, the subsequent purchasers of the properties, and the community generally, experience the disadvantages. This is especially the case where the property, after a time, loses in desirability as a subject for letting, and the owner of the property (a purchaser for value in the ordinary case) finds that, owing to the presence of the heavy fixed charges, he has great difficulty in obtaining an economic return on the purchase price he paid for the building.

Another matter of detail connected with the method of collecting a rate on site value is whether existing feu duties should be liable to bear some portion of it.

On the one hand it is argued that for practical purposes a feu duty is not an interest in land at all, but merely the price for the sale of the land taken in the form of a perpetual annuity. From this point of view the superior lends the feuar the money with which to purchase the land and leaves it on loan in perpetuity. Further, it is stated that purchasers of feu duties for value in the past have very generally purchased these duties, assuming that they were not to be subject to any deductions for rates, etc., in future, and purchased them under the idea that they formed a peculiarly safe and continuing security. By the Trusts (Scotland) Amendment Act, 1884, feu duties and ground annuals are included among the list of securities in the purchase of which trustees are authorised to invest trust funds.

On the other hand it is alleged that these contracts under which feuars or lessees of land have agreed to bear the whole burden of rates and to exempt the superior's interest entirely, though perfectly valid in regard to rates collected on the present system, are not valid in respect of rates collected on a new and different principle. The clause by which a feuar binds himself to relieve the superior of public burdens, present and future, is not of unlimited application. For example, Lord Chancellor Cairns in *Dunbar's Trs.*, 3 Ap. Cases, 1305, has held :

"There may be a burden existing at the date of the contract ; and subsequently the incidence of that burden may be so altered that, although the burden *in specie* remains the same, the same in name and the same in application, still a change subsequently made by law in the incidence of the burden may be such that it becomes, with reference to a contract of this kind, a new burden, and is no longer covered by the contract. Or, on the other hand, the incidence of the burden may remain the same, and yet the application of the burden may be so entirely different that the burden will become, although the same in name, yet a different burden *in specie*, and no longer be covered by the contract."

Other points are, on the one hand, that the feu duty being a definite fixed charge gains no increment in value, and that the economic advantages of freeing buildings and improvements from some part at least of the rate burden, and putting it on a site valuation may be obtained whether feu-duties created in the past are rated or not ; and, on the other hand, that it is not equitable that a certain class of owners of land (*viz.*, superiors) should be exempt, while others are required to pay, that such exemption would deprive the community

of a considerable source of revenue; or that, alternatively, if feuars were asked to pay on the total value and not merely on interest, this would be a discouragement of industry.

It may be noted that the Select Committee on the Land Valuation (Scotland) Bill state in their Report:

If feu duties are, as seems certain, rent of land, and their draw owners of rights in land, as seems equally certain, there is more reason why owners of feu duties should be exempt than owners of the full right of property in the land. The maintenance of the security depends on the presence and expenditure of the community, and hence those who benefit ought to contribute to that expenditure. The hardship to people of slender income is mitigated by the circumstance that they will derive some benefit from the lightening of their rates as occupants; and in extreme cases total or partial remission of rates may be secured by application to the rating authority. After all it must not be forgotten that probably more widows and orphans own house property than those who own feu duties, and it is not proposed to exempt them as such if the new rating standard is adopted.

Section V.—RELATION OF LOCAL AND NATIONAL TAXATION.

It is not easy to draw a hard and fast line between services which are national and services which are local. The two run into one another in such a way as to be extremely difficult to sever in all cases. On the one hand a rate for the supply of water or for drainage is no doubt a payment for a service rendered to the locality as also are payments in respect of gas, electricity, tramways, piers and promenades. On the other hand, the poor rate and the education rate, which are, as a general rule, onerous, and the amount of which, although influenced by local policy, yet has to conform to minimum standards laid down by the central government, can hardly be described otherwise than for the purpose of carrying out a national policy. The through roads in rural districts are very often more of a national service than of a local service, though of course this varies in districts enormously. In some districts the through traffic on these roads is more than the local traffic; in other districts the contrary is the case. Where the central authority also continually presses for improved

and more costly standards in local administration there is an increasing tendency for the State to be required of necessity to assume a larger portion of the burden. In requiring conformance to these standards also the State must, of necessity, give larger proportionate grants in relief of rates to the districts where the needs are greatest and the ability to meet them locally is not proportionately great.

Though it is thus not possible to make an absolutely rigid distinction between the services which should be regarded as local and those which should be regarded as national, there is general agreement that certain services mentioned by the Royal Commission on Local and Imperial Taxation, namely Poor Relief (including asylums), Education, Roads, etc., are predominantly national in character and their expense should be to a large extent borne by the Imperial Exchequer. In addition, there is the other tendency already referred to, namely, that if the improved standards as to housing and other branches of local administration are to be insisted upon by the central authority, it is practically essential that the central authority should provide a larger share of the added cost.

It should be remembered in connection with proposals to reduce the burden of rates by means of contributions from the National Exchequer that such relief to rates tends to be absorbed (as in the case of the Agricultural Rates Act) by an increase in land values. Land has been bought and sold for generations subject to the burden not only of existing rates, but at diminished capital values because of the expectation of the continued increase of these local rates. If, then, the payments from the Central Funds in respect of local services are increased, the capital value of land is increased at the expense of the general taxpayer. We do not consider that any case has been established for giving such a State bounty to owners of this one form of property, and we consider it only fair and just, in the interests of the taxpayers at large, that this factor should be taken into account in the transference to the State of expenditure at present met out of the rates.

This argument has a special application to Scotland from

the fact that the payment of half of most of the local rate is a burden borne directly by owners; the value of which property therefore benefits directly from any further obligations undertaken by the State which would reduce burdens otherwise incident on the local rates.

Section VI.—RURAL RATING.

Speaking generally, agriculturists do not complain of the rating system as much as ratepayers in urban districts, especially where they get the benefit of the Agricultural Rates Act. On the other hand, there are complaints from residents of country towns and villages, and from other people who do not gain the advantage of the Agricultural Rates Act, that the burden of rates on them is increased by reason of the relief conferred on farmers under the Act. It is stated also by many that no real benefits were conferred on the farmers by the Agricultural Rates Act, except in the case where the farmers were sitting under long leases and were not compelled to readjust their rents to the new conditions.

In so far as rating is based directly on the rental of the equipped farm, a portion of the rate is incident on the value represented by buildings and other equipments. In accordance, therefore, as the farm is highly equipped it bears a greater burden of rates; under-developed land pays proportionately less. It should be noticed, however, that improvements such as a new steading or new farm servants' houses, etc., are sometimes erected on the farm without an increase being made on the existing rent, in which case the added improvement is not specially rated.

An important point to be kept in view is that under the provisions of the Small Landholders Act fair rents fixed by the Land Court are generally rents for the land only, and the rates are based on these rents. Accordingly small landholders as a rule do not pay rates on their buildings.

We consider, however, that villagers, farmers and others not at present enjoying the exemption from rating as regards improvements have at least an equitable claim to similar treatment.

Further, if a larger amount is contributed by the National Exchequer towards the upkeep of local services, the burden of rates will, other things being equal, be diminished to that extent. Some land at present unutilised or inadequately used would under a system of land value rating appear in the land valuation at a higher figure than at present, and to that extent also relief would be afforded as regards present payers. The amount of rates assessed on occupiers, therefore, would not be increased; and in any case the amount of payment by them would not be increased, as the landowners would be required to pay the land value rate.

Section VII.—RATING REFORM IN RELATION TO HOUSING AND EMPLOYMENT.

The effect of the present system of rating in so far as it falls on houses is to discourage the erection of them and so to make housing accommodation scarcer and dearer; further, in so far as the present rating system allows valuable building land to escape contribution to the rates so long as it is not used, it exercises no check on holding up land for speculation, and so it tends to raise the price of the site itself.

This effect of the present rating system is not confined merely to the case of houses, but applies as well to the use of land for the building of factories and for other industrial purposes, and so tends to reduce the volume of employment and to check an increase in wages resulting from an increased demand, so that the method of rating has an important bearing upon two principal aspects of the housing problem:

- (1) The high price of housing accommodation; and
- (2) The low purchasing power of a large mass of the population.

It thus appears that a reform in the system of rating which would reduce to some extent the burden of rates on improvements and impose a charge upon the value of land irrespective of its use would facilitate to some extent at least the solution of the housing problem by reducing the cost of sites and the amount of rate burden on the tenants,

and, in so far as it increased the volume of employment, increasing the purchasing power of the population.

Rating reform is consequently a matter of importance in helping to set up healthy economic conditions under which the supply of housing accommodation and opportunities for employment would tend to adjust themselves more closely to the needs of the community.

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CHAPTER XL.

LOCAL AND [PARLIAMENTARY ACTION FOR RATING REFORM FOR SCOTLAND.

Section I.—ACTION BY LOCAL AUTHORITIES.

The principal practical proposal which has been advanced for reform of the rating system is to make the value of the land a basis of rating.

The following is a short statement of some of the steps taken by Scottish Local Authorities in this direction.

The Glasgow Corporation have been associated actively with proposals for the taxation of land values.

A Special Committee of the Corporation in 1890 drew up a Report on the subject, and though this Report was not adopted by the Corporation at once, it was accepted in June, 1895, and the Glasgow Corporation thereafter communicated with the different Assessing Authorities in Scotland, asking them to co-operate in petitioning Parliament to legislate on the lines of the Report.

The following was the Report in question :

"The Sub-Committee, having considered the remit to them, expressed their approval of the principle of making land values a basis of taxation, and indicate the following as a method by which this principle might be carried out, viz :

"That each proprietor, when making a statutory return to the assessor under the Lands Valuation Acts should in addition to the details at present required, also furnish in two separate columns, the following information :

- (1) The number of square yards of which he is proprietor, and
- (2) The annual value of such ground calculated at the rate of 5 per cent. per annum upon what he may fix as the price thereof, as between a willing seller and a willing buyer. In the event of the assessor being dissatisfied with the value as so stated, he shall have power to increase the same, having regard to the nature and situation of the particular subject—the proprietor to have a right of appeal against the assessor's valuation.

"After the valuation roll is made up, the proprietors shall then assessed *pro rata* for all local rates and taxes payable by them upon the said annual value, as ascertained and entered in the valuation roll in the manner before indicated, instead of upon the annual rental of the property as at present.

"Thereafter, when the proprietor comes to pay the feu duty or ground annual (if any), applicable to the ground, he shall be entitled to deduct therefrom the same proportion of the local rates and taxes paid by him as the said feu duty or ground annual bears to the total assessable annual value as entered in the valuation roll."

In the following year, 1896, the Committee of the Glasgow Corporation reported, "that 62 Scottish Assessing Authorities, consisting of 7 Town Councils, 8 Police Burghs, 1 County Council, and 46 Parish Councils had intimated their approval of making land values the basis of local taxation and their willingness to join with Glasgow in seeking the necessary powers from Parliament to give effect to it." It was then agreed by the Corporation of Glasgow that the Council should petition Parliament to have land values made the basis of the taxation of the city.

Subsequently, in 1896, upon the appointment of the Royal Commission on Local Taxation, a Committee of the Glasgow Corporation was appointed to consider questions within the scope of the Royal Commission's Inquiry. When this Committee submitted their Report to the Corporation, the following resolution relating to the rating of sites and values and feu duties was carried by the Corporation by a majority:

"The taxation of land seems to the Corporation a just proposal, and they recommend that the taxation of land values is the most equitable method of removing the present inequalities of local taxation."

At the meeting of the Glasgow Corporation on October 20th, 1898, a Bill for the rating of land values prepared by the Parliamentary Bills Committee was approved by a majority. The Bill proposed that a rate of two shillings in the pound should be levied on the annual value of land, calculated at 4 per cent. on the capital selling value of the land apart from improvements, and that this should be apportioned equally among all the persons interested in the land, according to the value of their interests. This was the origin of the well-known "Glasgow Bill."

In April, 1902, a motion was carried that the Council convene a special meeting of Rating Authorities, which was held in London in October, 1902, the Lord Provost of Glasgow presiding. At this meeting a Municipal Conference Committee, of twenty-five representatives, was appointed to consider the future policy. A Bill applying to Scotland, and one applying to England, were prepared and promoted by the Conference Committee. Many Bills applying to either country were introduced during the next five years.

On February 26th, 1906, a Municipal deputation representing 518 Local Authorities in Great Britain presented to the Government a petition in favour of rating land values.

Section II.—SCOTTISH LAND VALUES TAXATION BILLS.

The following are some of the principal Bills introduced regarding Scotland.

Mr. (now Sir George) McCrae's Land Valuation Bill (Scotland), 1903.

This Bill related to unoccupied sites in Burghs only, and did not impose a special rate upon site values generally. Its object was that where it was in the power of the proprietor of unbuilt-on land to let such land for building purposes, the annual value on which the rates would be levied should be the feu duty or rent which might be obtained from the land if it were let and not merely its value, *rebus sic stantibus*, as under the existing law. The value was not, however, to be less than the rent for which the land was *bona fide* let at the time, and power was given to the tenant or occupier to deduct from his rent the occupier's rates upon the value, if any, in excess of the rent. The additional burden involved by the proposal was therefore thrown upon the owner.

Under Mr. Caldwell's Land Values Taxation (Scotland) Bill, 1904, usually referred to as the "Glasgow Bill," it was proposed to give power to the Town Council of every Burgh to levy a rate on the annual value calculated at 4 per cent. of the selling value of the land "apart from the value of any buildings or other heritable subjects, on or connected with such piece of ground." The rate, which was not to exceed two shillings in the £, was to be levied on owners of land, and these were allowed to pass on a proportionate amount of the rate to receivers of feu duties or ground rent by making the necessary deductions in their payments.

It may be noticed that this Bill was re-introduced by Mr. Ainsworth in 1905, and secured a Second Reading by a majority of twenty votes.

On March 23rd, 1906, the Land Values Taxation (Scotland) Bill, re-introduced by Mr. J. E. Sutherland, received a Second Reading by a majority of 258.

Section III.—THE REPORT OF THE SELECT COMMITTEE.

The Land Values Taxation (Scotland) Bill, 1906, was referred to a Select Committee, presided over by Mr. Alexander Ure (now Lord Strathclyde). This Committee took evidence and reported in favour of the principle of the Bill.—(Report No. 379, 1906.)

"The main principle which, in the opinion of your Committee," they say, "underlies proposals to tax land values, is the setting up of a standard of rating whereby the ratepayer's contribution to the rate is determined by the yearly value of the land which he owns or occupies apart from the buildings and improvements upon it, the object being to measure the ratepayers' contributions, not by the value of improvements on the land to any extent, but solely by the yearly value of the land itself. The justification given for the adoption of the new standard is that land owes the creation and maintenance of its value to the presence, enterprise and expenditure of the surrounding community. It is well, therefore, to select a standard of rating which will not have the effect of placing a burden upon industry. Hence the proposal to exclude from the standard the value of buildings and erections of all kinds, and fixed machinery. To include these in the standard tends to discourage industry and enterprise. To exclude them has the opposite effect. If, then, the value of bare land, apart from improvements, be chosen as the measure by which to fix contributions to local expenditure, the ratepayer will, it is alleged, be merely restoring to the exchequer of the Local Authority part of that which he has derived from it. Of this principle, and of the reasoning on which it rests, your Committee approve.

"... The most valuable economic advantages of this reform follow from the change of the basis of rating. We have already referred to the nature of these advantages, which may be thus summarised :

"First: Houses and other improvements would be relieved from the burden of rating. This would encourage building and facilitate industrial developments.

"Secondly: As regards the large towns, it would enable land in the outskirts to become ripe for building sooner than at present, and would thus tend very materially to assist the solution of the housing problem. It would also have a similar effect in regard to housing in rural districts.

"... Your Committee will now proceed to summarise the conclusions at which they have arrived. They consider that the new standard of rating, based upon the yearly value of land, apart from the buildings and other improvements upon it, is sound, and would prove advantageous; that to set it up by estimating the value of land apart from buildings is practicable; that in making the valuation regard must be had to all restrictions validly imposed on the land, and to recent expenditure in preparing it for use; that exemptions such as are proposed in Clause 6 of the Bill are proper, but that to these exemptions ought to be added railways, canals, docks, piers and harbours; that so far as both occupiers and owners are concerned, the new standard of rating should be substituted for the present standard, and that within the category of owners ought to be included owners of fees and duties whensoever created."

Section IV.—THE LAND VALUES (SCOTLAND) BILL.

The Select Committee on the Land Values Taxation (Scotland) Bill further recommended that this particular Bill should not be further proceeded with but "that a measure be introduced making provision for a valuation being made of land in the burghs and counties of Scotland, apart from the buildings and erections upon it, and that no assessment be determined upon until the amount of that valuation is known and considered."

Following that recommendation, the Government introduced a Land Values (Scotland) Bill, dealing with valuation and not with rating, and passed it through all its stages in the House of Commons in 1907 and again in 1908, but it failed to become law. In 1909 the Government introduced the Finance Bill now the Finance (1909-10) Act, 1910, which provided an Increment Value Duty, Undeveloped Land Duty, etc., and inaugurated a valuation designed primarily for these, which is not yet completed and would probably require a number of modifications before it could be treated as a basis for either rating or taxing land values. The Government Land Values (Scotland) Bill was reintroduced as a private member's Bill, with amendments bringing it up to date in 1911, 1912, 1913 and again in 1914 by Mr. J. Dundas White, M.P. In its present form it is designed to harmonise with the provisions of the Finance Act.

It should be noted that some progress has already been made in Scotland in exempting improvements from rating. Under the combined provisions of Section 6 of the Lands Valuation (Scotland) Act, 1854, and Section 6 (2) of the Crofters Holdings (Scotland) Act, 1886, the improvements of the Scottish crofters have been treated for more than thirty years as exempt from rating. The Lands Valuation (Scotland) Amendment Act, 1895, in bringing within the scope of rating certain "erections or structural improvements" not hitherto included, exempted among others those which were for "agricultural purposes" and this has now been applied to land holders under the Small Landholders (Scotland) Act, 1911, by Section 31 (6) of that measure. Under the Lands Valuation (Scotland) Amendment Act, 1902, certain classes of machinery are rate-free.

The scope of the Land Values (Scotland) Bill, 1914, is somewhat wider than that of the Government's Bill of 1907 and 1908, though like them it is essentially a measure for valuation leaving questions of rating to be dealt with later on.

CHAPTER XLI.

METHOD OF VALUATION AND ASSESSMENT UNDER THE EXISTING SYSTEM.

Section I.—THE VALUATION ROLL.

Under the Valuation Act of 1854 a Valuation Roll is made up annually for every County and Burgh, and a separate Valuation Roll for railways and canals.

The Valuation Roll is made up by an assessor appointed by the County Councils in counties or by the Magistrates in Burghs ; and the Railways and Canals Valuation Roll is made up by the Assessor of Railways and Canals, who is appointed by the Crown.

The assessor has power to call upon any proprietor, tenant, or occupier within the county or burgh for which such assessor is appointed, for a written statement of the yearly rent or value, and other particulars required by the Act, under a penalty. It has been held that he can only call for the particulars which are to be inserted in the Valuation Roll. The assessor is required to transmit to each person included in his Valuation Roll a copy of the entry affecting such person, except where he merely repeats an entry which occurred in the previous year's Roll.

The person has the right to appeal against the entry, viz. :

(1) In Counties to the County Valuation Committee appointed from among the members of the County Council, and

(2) In Burghs to the Magistrates or Burgh Valuation Committee appointed from among the Town Council.

There is a further appeal by stated case, open to both parties, to the Valuation Appeal Court, comprising three judges of the Court of Session.

PROPERTY ENTERED IN THE VALUATION ROLL.

The Roll is to contain a full and accurate list of all the lands and heritages in each County and Burgh. According to the Act, lands and heritages shall extend to and include all (a) lands and houses ; (b) shootings and deer forests, fishings ; (c) woods, copse and under-wood from which revenue is actually derived ; (d) ferries ; (e) piers,

harbours, quays, wharfs, docks; (f) canals and railways; (g) mines, minerals, quarries, coalworks, waterworks, limeworks, brickworks, ironworks, gasworks, factories, and all buildings and pertinents thereof, and all machinery fixed or attached to any lands or heritages.

The definition is not intended to restrict the general terms "lands and heritages," and it has been decided that various descriptions of heritable property fall to be entered in the Valuation Roll, though not specifically mentioned in the above enumeration, *e.g.*, gas and water pipes, and tramways.

PERSONS ENTERED IN THE VALUATION ROLL.

The question of title is immaterial. The person entered as owner is the person in actual receipt of the rents and profit of lands and heritages, while a person is entered as occupier if he is in actual occupation of lands and heritages, irrespective of the tenure on which he holds.

Section II.—HOW ANNUAL VALUE IS ESTIMATED.

I.—SUBJECTS LET BY OWNER.

This is laid down in Section 6 of the Valuation Act quoted above (*see* Chapter XXXVII., Section II.)

Thus where there is a *bona fide* lease of ordinary endurance, the assessor takes the stipulated rent as the annual value. If, however, the tenant has made improvements of a permanent nature, the assessor may take these into account.

Annual Value.—It should be noted that while in England, "annual value" under 6 & 7 Will. IV., c. 96, is the *net* rent to be expected under a yearly tenancy after deducting repairs, insurance, etc., in Scotland, on the other hand, "annual value" under the Valuation Act is the *gross* rent appearing in the Valuation Roll.

After the Valuation Roll comes into the hands of the Rating Authorities, deductions are made for repairs, insurance, etc., in order to fix the rateable value for levying Parish Rates. County and Burgh Rates, however, are levied on gross rent, or the value as appearing in the Valuation Roll.

Annual Value where there is a consideration other than the Rent.—In order to ascertain the annual value, the whole returns payable to the landlord under the lease must be taken into account, such as undertakings by the tenant to improve the property let for the proprietor's benefit or to pay interest on improvement expenditure laid out by the proprietor himself, payments to the proprietor for insurance, etc.

The annual value of these is added to the stipulated rent. Thus, where a landlord agrees to spend a certain sum on improving a farm, and the tenant is taken bound to pay interest thereon annually, the

interest is simply added to the rent. Where a lump sum is paid as a *grassum*, the rule is to divide it by the number of years the lease is to run, and add the quotient to each year's rent.

II.—SUBJECTS OCCUPIED BY OWNER.

So long as the assessor can take the stipulated rent as the annual value, it is simple; but where property is in the owners' own occupation, where it is not *bona fide* let, as in cases where owner and tenant are relations, or where the lease is for more than twenty-one years, then he is compelled to fall back on rules for estimating the annual value, which are more or less arbitrary.

Various modes of ascertaining Rent.—(1) *The Comparison Method.*—When the property is a house, warehouse, or agricultural land, the usual method is to compare it with similar property in the neighbourhood actually let. Thus the market rent of a warehouse may be put at so much per square foot of floorage.

(2) *The "Contractor's Principle."*—Another method, used chiefly in the case of mills, factories, works, etc., is to take a certain percentage on the cost of construction, say $7\frac{1}{2}$ per cent. This is on the principle that the manufacturer must expect to derive a profit from the erection equal to a percentage on his outlay.

(3) *The Profits Principle.*—In this case the gross receipts for the preceding year are taken, and after deducting the working expenses, tenants' allowances, etc., the rent the tenant can afford to pay may be estimated.

These methods have been from time to time recognised by the judges; but the same rule has not invariably been applied in ascertaining the probable rent of a particular description of property.

Country Houses. These are valued on the "Comparative Method," i.e., at the rent which they would bring if put up for letting. As a rule, the cost of construction is out of all proportion to this rent, and, as compared with a valuation based on a percentage of the cost, the valuation appears very low.

Railways and Canals.—The valuation of these is entrusted to a special assessor, appointed by the Crown. He ascertains the gross revenue for the preceding year, and, after making deductions for working expenses, tenants' allowances, etc., arrives at the net revenue, which represents the annual value of the railway for the purposes of assessment. The total value is allocated at an equal rate per mile to the various parishes, burghs and counties through which the line passes, according to the lineal measurement in each.

Waterworks, Docks, Harbours, etc., are also valued on the "Profits Principle." *

WHETHER POTENTIAL VALUE IS TO BE TAKEN INTO ACCOUNT.

It is the existing value which is always taken. According to the interpretation by the Courts of the Valuation Act, so long as a

proprietor makes a beneficial use of his property, the assessor has nothing to do with whether it might be turned to other and more lucrative purposes; but the case appears to be different where no beneficial use is made.

Some authorities contend that vacant urban sites can in fact, under the existing law, be entered at a value which has been offered for them though the sites, in fact, continue unutilised.

Unfenced land near a large town is not entered at its value as building land, but a plot of ground, say, in the heart of a large city having no other recognised character, kept vacant for an enhanced price, should be valued as building land instead of at its agricultural value. The practice is in favour of the latter, but this does not appear to have received the sanction of the Court in any reported case. Where a house is standing empty, the property is entered at full lettable value. The distinction seems to be that in the one case the property is of recognised and definite character and value, in the other it is merely speculative.—*Armour on Rating.*

Section III.—VALUATION OF DEER FORESTS.

By the interpretation clause of the Lands Valuation (Scotland) Act, 1854 (17 and 18 Vict. c. 91), the expression "lands and heritages" shall "extend to and include" all . . . shootings and deer forest when actually let; and by the Sporting Lands Rating (Scotland) Act, 1886 (49 Vict. c. 15, section 4), the words "where such shootings or deer forests are actually let" are expunged from the 1854 Act, so that shootings and deer forests are "lands and heritages," and as such are subject to being inserted in the Valuation Roll, whether let or not.

If a deer forest is let to a tenant for a lump sum including the use of servants, etc., the Lands Valuation Assessor, in order to fix the valuation to be entered in the Valuation Roll, and upon which the local rates are levied, allows deductions for the wages of ghillies and for the maintenance of roads within the forest, and the fencing of the same. If, in addition, the grazings in a deer forest are separately let to a tenant, the rent paid by the tenant is also entered in the roll as the annual value of the grazings. Under the Agricultural Rates Act the grazings are assessed for local purposes (so far as occupier's rates are concerned) upon three-eighths of the annual value as appearing in the Valuation Roll.

Note.—The procedure adopted in the entering of the annual value in the Valuation Roll of shootings and deer forests is usually as follows:

Where the subjects are let.—The proprietor makes a return to the assessor showing the gross rent received from his tenant, and he also gives a list of the deductions claimed by him from the gross rent. These are usually (1) hire for furniture, (2) hire of horses, (3) wages of indoor servants, (that is the staff required to run the house, and is, of

course, exclusive of ladies' maids and valets and such servants as are personal to the tenant and brought by him), (4) outdoor servants, such as game-keepers, beaters and gardeners. The proprietor, of course, is only entitled to make the deductions provided he pays the wages and provided the services rendered are wholly incidental to the let as a sporting subject. For example, if the beaters are also employed in cleaning ditches or doing other work such as repairs to fences, then a proportion of their wages will be disallowed as a deduction.

In practice the assessor examines the estate books and adjusts the figure.

There is no statutory provision dealing with deductions from the gross rent. In practice it is a matter for the assessor's discretion, keeping in view that the deductions relate strictly to the sporting aspect of the let.

The net rent (after these deductions) is entered in the Valuation Roll. As in the case of other subjects, the *assessable* rental for Parish Rates is arrived at by making a further percentage deduction, varying in different parishes.

These deductions in respect of wages, etc., generally amount to 50 per cent. of the rent obtained, and the result is that the entry in the Valuation Roll is in this case practically the net rental, while in the case of houses, etc., the gross rental is entered.

In some cases it appears that the shooting tenants themselves pay the gamekeepers and servants in addition to the rent, and yet the deduction of these wages is allowed.

Where a deer forest and mansion-house were let for one year without a written lease (the tenant having the use of the proprietor's establishment, etc.) the annual value was taken at the sum paid by the tenant under deduction of the cost of the establishment to the proprietor for the whole year and not for the shooting season. (*Lord Middleton v. Assessor of Ross-shire*, 1882, 10. R. 28.) The rule in this case is now followed.

Compared with other kinds of property deductions allowed for shootings, etc., are out of all proportion.

Where the subjects are in the owner's own occupancy.—In this case, the assessor arrives at a figure of so much for each brace of grouse or each stag killed, which figure varies in different districts.

Section IV.—LOCAL RATES LEVIED ON BASIS OF VALUATION ROLL.

I. PARISH RATES.

The principal rates raised by Parish Councils are the Rates for Poor Relief and School Board purposes. There are other minor rates raised by the Parish Council on the same basis, such as Lunacy

Registration of Births, etc. (except in Royal and Parliamentary Burghs), Burial Grounds, Valuation, Public Libraries (in Landward Parishes), etc.

By the Poor Law Act, 1845, the Poor Rate is levied on *net* rental. The same applies to the School Rate.

Accordingly the rental appearing in the Valuation Roll is subject to certain deductions before the rate is levied.

The proper deduction to be made is a matter within the discretion of the Parish Council, and varies in different parishes. In some parishes there is a uniform deduction for all classes of property, say 20 per cent.

In other parishes, properties may be classified into dwelling-houses, shops, factories, etc., and a different rate of deduction allowed for each class.

Apart from this classification, the Agricultural Rates Act, 1896, relieves agricultural subjects (so far as occupier's rates are concerned) to the extent of five-eighths of parish rates. (Under agricultural subjects are included the buildings).

The rates are levied so that one-half of the total sum required is paid by owners, and the other half by occupiers. The rate is leviable on owners, whether the property is occupied or not, and thus it is frequently necessary to place a higher rate per £ on occupiers than on owners in order that the total sum raised from each class may be the same.

In the case of deer forests and shootings, the rent entered in the Valuation Roll is arrived at after substantial deductions (*see* previous section). In addition there are the further deductions varying in different parishes, allowed in respect of repairs, etc. before the Parish Rate is levied.

Heritors' Assessments.

There is also parochial taxation for church purposes, viz., the rate levied upon heritors in the parish to provide money for erecting, improving, and enlarging parish churches or manse.

The heritors are assessed for these ecclesiastical purposes, in some cases according to the real rent of their property as appearing in the Valuation Roll, but in other cases according to a Valuation made in the seventeenth century (the old valued rent).

When the old valued rent was taken, the burden fell, in the main, upon the large landowners. Now, in the cases where the Valuation Roll rent is taken, the rate falls also upon small feuars, and not merely on the value of their land, but on the increased value when buildings are placed upon it. This rate has, therefore, been much resented by small feuars. There are special causes for its unpopularity, viz., (1) the rate may only come once in a generation, and feuars may take their land without being aware of their liability; (2) the old parochial

boundaries are often quite unsuited to present day distribution of population, and as towns extend a person may be called on to contribute to a church a great distance away; and (3) heritors who Dissenters object to contribute to another church.

In 1900 an Act (The Ecclesiastical Assessments Act) was passed whereby, in order to relieve the small tenant, a £50 deduction might be made from the rent before liability commenced. This provision, however, is not compulsory.

This rate also is costly to collect. In one recent case, where the cost of repair of a manse was £522, the drawing up of the valuation roll and cost of collection brought the total assessment up to £1,250.

Teinds.—Although not strictly speaking a rate, teinds as a burden upon land are a cause of difficulty. They have no relation to the present value of the land, and it is often difficult to ascertain the extent of the liability. The teind may be payable from a large area of land which has been subdivided and the allocation among the different owners is often very costly. If not allocated, each owner can be called upon to pay the whole.

II. BURGH RATES.

In Burghs a large number of different assessments are levied amounting, in the case of Glasgow, to twenty-two different assessments.

The chief Burgh Rate is the Burgh General Assessment imposed for general purposes, including cost of Police, and levied wholly on occupiers. It is regulated by the Burgh Police Act, 1892, and the rate is limited to a maximum of 4s in the £, where a water supply is introduced under its provisions, and to 2s. in other cases.

In Edinburgh, Glasgow, Aberdeen, Dundee and Greenock the imposition of the Police Rate is regulated by local Acts.

About three-fourths of the total rates in Burghs are levied on occupiers, and the remaining one-fourth on owners.

Certain subjects, such as railways, canals, gas and water pipes, land used for agricultural purposes, market gardens and nurseries, are rated on one-fourth of the rent or annual value appearing in the Valuation Roll.

In Glasgow on rentals under £10 only one-half of the Police Rate is payable, but there is no such differentiation under the Burgh Police Act. As about half the occupiers in Glasgow live in houses of rent of less than £10, the effect of this differential rating is considerable.

III. COUNTY RATES.

Prior to The Local Government Act of 1889, all County burdens except the Road Rate, Valuation Assessment, and Diseases of Animals Assessment (which were levied equally on owners and occupiers) were placed upon owners.

All the rates which previously had been levied wholly upon owners were dealt with by the Local Government Act, on the general principle of stereotyping the owners' burdens at the time and dividing any subsequent increase equally between owners and occupiers. This method was applied to the following rates: Police, County General, Registration of Voters, Lunatic Asylums and Sheriff Court House Assessments—the average rate for the preceding 10 years being fixed as the stereotyped rate.

Any new rates imposed since 1889 are levied equally on owners and occupiers. The 1889 Act introduced a general purposes rate levied equally, which bears many minor charges introduced by subsequent legislation.

County Rates are levied on the gross rental.

NOTE.—The system of valuation and assessment in Scotland is treated with considerable detail in the final Report (Scotland) of the Royal Commission on Local Taxation (Cd. 1067 of Session 1902). See also Memorandum and Examination of Mr. Alexander Walker, Assessor of the City of Glasgow, in the Appendix to the Report of the Departmental Committee on Local Taxation (Cd. 7316 of 1914).

Section V.—IMPERIAL TAX LEVIED ON BASIS OF GROSS RENTAL AS PER VALUATION ROLL.

Inhabited House Duty.—This duty is the direct descendant of the old Window Tax. It is a graduated tax varying from 2d. per £ on a rental of £20 to 9d. per £ on rentals of £60 and upwards.

The liability for this tax is determined by a number of statutes as interpreted by a series of Court decisions, and the question of liability is often a difficult one. The tax is levied on "inhabited houses," but the Acts contain no proper definition of "house" or "inhabited." Consequently the liability for the tax depends upon technical points elaborated by the Courts. In the case of modern buildings, it is often difficult to say what is a "house." Buildings used for business are exempt, but at one time if a caretaker lived on the premises this made it inhabited. Later, exemption was given even if there was a caretaker living on the premises, but the Courts decided that this exemption did not apply if the caretaker's family lived with him. A recent Act extended the exemption to cover the caretaker's family. The person must, however, be actually employed as a *caretaker*. Thus in the case of a large bank where one of the flats is occupied by a manager or cashier, and has internal communication with the business part of the building, the tax is levied on the whole building.

At St. Enoch Station, Glasgow, the northmost wing of the buildings is used for offices, etc., with the exception of the top flat, which contains

hotel . . rooms. There was a lift from the ground floor to the top of this wing, and as this gave internal communication, the tax was payable in respect of the whole building. Various grievances, such as the following, are reported :

It is the case of the assessment upon a large hall used for letting and purveying. • Alongside the hall there are two houses occupied by two of the employees, and there is a passage between these houses and the hall. The Surveyor of Taxes is imposing Inhabited House Duty on a rental of £600, the amount of tax being £22 10s. If the passage were closed up there would clearly be no tax, but as it is the case is very doubtful. The building has been in existence for many years, but efforts were not made previously to impose the tax.

These instances give some indication of the anomalies connected with this tax.

PRINCIPAL RECOMMENDATIONS.

Farms other than Smallholdings.

(1) Protection against arbitrary eviction and arbitrary renting by the landowner should be given to all farmers. Failing agreement as to terms of renewal at the end of his lease, the farmer should have the right of appeal to the Land Court, who should have power to determine the period of the renewal of the lease and the rent; subject always to the performance by the farmers of their duties towards the land, and to the power to take the land for small holdings or for purposes of greater utility, compensation being paid to the farmer in such a case on the basis of the improved fertility and improved equipment of the land (*see* Section 3), and for disturbance.

The conditions of tenure required to be observed by the farmer in his duty to the land should be generally on the lines of those required of small landholders under the provisions of the Acts of 1911 and 1886.

In the case of the farmer who has more than one farm in his occupation, this is a fact to be taken into account in considering the question of renewal; and, as regards "led" farms, the procedure should be on the basis that the present tenant was not an offerer for a renewal.

In no case should the principle of tacit relocation be held, for the purpose of this procedure, to extend the original leases indefinitely, the date of termination of the lease being the date of termination originally stipulated for or, if the lease has been continued, year by year by tacit relocation, such subsequent date, being the end of one such year, as failing agreement, may be determined by the Court.

(2) Before a farm can be let as a "led" farm, the sanction of the Board of Agriculture should be obtained. Before giving such sanction it should be the duty of the Board to satisfy themselves that there was no reasonable demand for the occupation of the farm as a separate holding.

(3) The schedules of compensation under the Agricultural Holdings' Act should be abolished and compensation based on :

(a) Continuous good farming and cultivation which increase the fertility of the land.

(b) Improved equipment: the tenant having power to make any beneficial improvements without previously obtaining the sanction of the landlord, and being entitled to compensation in respect of them, the compensation being assessed on the value of the improvements to an incoming tenant. In the case of improvements of a substantial value failing agreement the consent of the Board of Agriculture or the Land Court should be obtained before they are made.

(4) The restrictions imposed in connection with the Ground Game Act should be removed, and the tenant farmer entitled to kill and take ground game by himself and by any person authorised by him.

(5) As regards sheep farms, the same provisions should apply (compensation in respect of the improvement of hill pasture being provided for on the basis of its improved value to an incoming tenant); and steps should be taken to secure that normal breeding stocks, as far as practicable, are not removed from hill grazings.

(6) Where in a lease of a farm an heir of entail in possession binds himself and his heirs and representatives to take over from the tenant at the termination of the lease the sheep stock on the farm and dies before the fulfilment of the obligation, the obligation should, to the extent of the normal and regular sheep stock on the farm, devolve and be binding upon the heir of entail in possession of the estate at the time when it becomes prestable, as well as upon the personal representatives of the lessor, but the heir of entail should be bound to relieve the other heirs and representatives.

Smallholdings.

The policy of creating small holdings should be extended rapidly and once an applicant is accepted as suitable by the

Board of Agriculture he should be provided with a holding as soon as possible.

Where, for any reason, it appears probable that a holding in the locality where the applicant wishes one will not be available for a considerable time he should be told so; and arrangements made if possible to offer him a holding elsewhere.

As Regards Applicants.

While a preference as regards providing holdings should be given to applicants with sufficient capital, the fact that an applicant otherwise suitable has not this capital should not of itself be a bar against such applicant being accepted as suitable. We regard it as essential that access to small holdings for the poor man of character and of energy should be made available. To ensure this and also to provide that the adequate capital for trading, etc., which is necessary for the development of small holdings, should be available, for the purposes of existing smallholders as well as for establishing new holdings, we consider it essential that improved credit facilities should be provided.

The two obvious ways to do this are :

(1) That, if necessary, the money at the disposal of the Board of Agriculture for the permanent equipment of new small holdings should be increased, so that advances for permanent equipment might be made to a larger number of persons than is possible at present.

We consider, also that having regard to the purpose for which such advances are made they might very well, so far as they are repayable, be advanced from a special fund created by the issue of a Land Stock instead of being provided out of revenue.

(2) We are convinced, also, that a matter of great importance is the provision of organised financial facilities for smallholders.

Infinitely more can yet be achieved through the development of credit societies or land banks. In the matter of financial facilities for smallholders, Scotland is far behind other countries. We are convinced that one of the first steps

should be to secure, if possible, that the existing Scottish banks would make advances on the joint and several guarantees of the members of co-operative units. A special advantage of this is that these banks at present have very extensive organisations with branches in every district and could readily carry out the work through their country branches.

Accordingly, it should be the duty of the Board of Agriculture as speedily as possible to organise credit societies in the various localities and get them working.

Co-operative facilities also in buying and selling offer advantages especially where there are numbers of small holdings located in colonies. In localities where the development of co-operative units promises success, the Board of Agriculture should take steps to assist their organisation.

II.—Compensation.

In creating new holdings and in extending existing holdings under the Small Landholders' Act, the principles on which compensation should be paid to the proprietor are :

- (a) Where the normal letting value of the land for agricultural or pastoral purposes is not diminished by the compulsory creation of new small holdings, no compensation should be paid to the proprietor in respect of their creation. The legal claims of the sitting agricultural or pastoral tenant for disturbance, etc., should be compensated for.
- (b) No compensation should in any case be paid for loss of sporting value through the constitution of such holdings.
- (c) No compensation should be paid in respect of the new tenure or for loss of control over the land or over tenants or loss of "social value" of an estate through the creation of small holdings.
- (d) The compensation to be paid, failing agreement, should be determined by the Land Court in all cases. The provisions of Section 7 (11) of the Act of 1911, allowing an application to the Court of Session for the appointment of an arbiter to determine the amount of compensation should be repealed.

III.—Procedure in Creation of New Holdings.

(a) The Board of Agriculture should have power to require landowners to fill in a short form sent to them with particulars showing when leases of farms expire and whether the sitting tenant is an applicant for a renewal. The Board of Agriculture should also ascertain from the tenant whether he was an applicant for a renewal of his lease.

(b) When the Board of Agriculture are of opinion that there is a demand for small holdings in a locality, and they are unable to secure that landowners by arrangement will make the necessary land available, they should at once prepare a preliminary scheme for new small holdings in such locality in respect of farms where the leases are expiring, and where the sitting tenant is not applying for the renewal of his lease, or where he has a number of farms, or as regards "led" farms. The Board should apply to the Land Court for their approval of this provisional scheme one year or so before the expiration of the leases. (In the ordinary case there is a year's notice by tenant or by proprietor of the termination of a lease). On reasonable cause shown, the Land Court would grant such application limiting its operation to a period of six months (*e.g.*, the first six months of the last year of the lease). Within such time the proprietor should not be allowed to let the farm, otherwise than with the approval of the Board of Agriculture or the Land Court.

Within such time also the Board of Agriculture should complete their scheme for small holdings by the necessary negotiation with applicants, and, failing agreement with the proprietor to accept the new tenants as small landholders, should be enabled to apply to the Land Court to have a compulsory order made.

IV.—Minor Provisions.

(a) All the officials of the Board of Agriculture should be made available for the work where necessary of making and extending small holdings. The present provisions imposing so much work on the Commissioner for small holdings should

be abolished as should also the requirement that negotiations with the proprietor for the creation of holdings must have broken down before further action can be taken.

(b) Section 26 (2) of the Small Landholders' Act should be altered to allow any small landholder or statutory small tenant to apply to the Board for an enlargement of his holding to be taken in whole or in part from land belonging to another landlord.

(c) Power should be given to a statutory small tenant to apply to the Board for an enlargement of his holding in the same way that a smallholder may apply under Section 16, of the Act of 1911.

(d) Section 7 (16) of the Act of 1911, should be altered to provide that this exemption shall extend only to the date of termination originally stipulated in the lease.

(e) In an order constituting new small holdings, the Land Court should have power, on the application of the Board of Agriculture, to make an order providing a supply of water to the small holdings on conditions determined by the Court, where the Board of Agriculture are unable to come to terms with the landowner for the supply of water.

(f) The provisions of Section 26 (3) (g) of the Act of 1911, should be modified to allow of an appeal to the Land Court for the purpose of taking for small holdings land being or forming part of an extensive policy or park, or home farm of any estate where it appeared that the amount of land so attached was in fact in excess of what reasonably or normally might be regarded as sufficient for the preservation of the amenities of the estate, and where it was difficult otherwise for land to be found for small holdings.

(g) Power should be given to have an existing yearly tenant or a qualified leaseholder admitted to registration as a new holder, in respect of land within a parliamentary, police or municipal burgh, under circumstances of general reasonableness similar to those described under (f).

Farm Servants.

A first essential is to open to farm servants a ladder of progression, leading to the occupation of small holdings and onward to larger farms.

This necessitates a more active small holdings policy with credit facilities for men of character and energy, but insufficient capital : and this latter point has been dealt with in the recommendations as regards smallholders.

This is the larger remedy and by providing an alternative career it will necessitate improved conditions for farm servants on the farms in order that employers may continue to get and to retain good servants.

Minor improvements which should be secured to the farm servants at once are :

(I) HOLIDAYS.

That it should be an *implied* condition in the contract of hiring of a farm servant that he shall be entitled to a half holiday every week, except during seed time and harvest, and subject to all necessary and reasonable provision for attending to animals ; seed time and harvest should include the proper working of root and hay crops as well as grain crops. It should be open to farmers and farm servants to substitute whole days where that was mutually convenient. In any case, the aggregate should not be less than eighteen whole days.

(II) HOUSING.

Active steps should be taken at once to secure the provision of sufficient suitable cottages for the reasonable accommodation of the farm servants. (*See also* Housing, Sections 8 and 9.)

Rural Education.

The increased development of rural schools providing instruction for sons of farmers and others desiring to follow a career on the land should be provided. More extensive schemes of local lectures, practical demonstrations and the distribution of agricultural information should be elaborated.

Also increased provision for special work in connection with the improvement of stock and land on the lines at present being followed by the Board of Agriculture and the Development Commissioners, should be made.

The Islands.

Provision should be made to secure the breaking up of the large farms in the Hebrides among the small landholders, and the landless.

Access to Land in Rural Areas.

Provision should be made against the arbitrary refusal of a proprietor to grant sites for churches, residential or industrial purposes (including reasonable access to water rights), and power should be given the Land Court to make the site available and to fix a feu duty if the withholding is found to be unreasonable.

The procedure to be followed should be on the lines of the Small Landholders Act, namely, in the first instance failing agreement between the parties an endeavour should be made to bring about agreement by administrative effort (on the lines of the action adopted by the Board of Agriculture in the creation of small holdings). Failing this there should be an appeal to the Land Court who should have power to make a compulsory order.

Afforestation.

Power should be given to the Board of Agriculture for the acquisition of land on lease for afforestation at a fair rent to be fixed by the Land Court failing agreement between the landowner and the Board.

In any such arrangement it would be essential that the Board of Agriculture should have absolute power to deal with the land as it thought fit, including the power to sublet to Co-operative Associations or Utility Societies.

Housing.

COMPULSORY SURVEY, RESULTING ACTION AND TOWN PLANNING.

(1) A compulsory survey should be made of housing conditions in the towns beginning with the areas where the death rates and sickness rates are highest. This survey should show in considerable detail the density of the population, the conditions of the housing, the names of the owners, etc.,

(2) Further, on the completion of the survey, fully or in parts, the local authority should be required to prepare its scheme for dealing under the Housing Acts with the defects disclosed with the object of raising the housing in its area to a minimum of adequacy and of sanitation, and to submit this scheme to the central housing department within a specified period, and to carry it out with such alterations as the Central Housing Authority may require.

(3) The contributions made by the Government in respect of housing, etc., should be made conditional on these duties and the remedies being adequately carried out.

(4) The main particulars of the results of the survey might be published for the information of the inhabitants of the locality, from time to time, as each part of the survey is completed, with a view to arousing a keener local appreciation of housing deficiencies.

(5) This compulsory survey, less detailed than in the case of the towns, but showing clearly existing shortcomings both as regards the condition of houses and the unsatisfied demand should be required to be made by the local authorities in respect of all rural areas.

(6) Further, in order to protect the amenities of towns, urban local authorities should be required within a specified period to prepare a preliminary planning scheme for their entire area. This scheme should include only the broader lines of development, as the detail should be filled in later on when a complete town planning scheme was adopted. But among other features secured in the preliminary scheme should be, the restriction of the number of houses per acre, and the

rules or by-laws governing the construction of roads and buildings, framed so as to secure an open system of building. In framing the scheme, care should be taken to secure what is the best way in which the town should develop and the best manner in which to utilise its space. The care and control of its amenities is peculiarly a matter for the locality.

(7) Local authorities should be required to make a complete town planning scheme for their area and should make and enforce equitably re-planning schemes in respect of areas which, owing to the congestion of existing buildings or to the unsatisfactory arrangement of streets would not otherwise permit rebuilding with due regard to modern standards as to air space, access to light and size of buildings: the object being to secure that the area when rebuilt shall be reasonably open to light and air, that the houses also shall be satisfactory and further that, so far as is reasonable and practicable, the rebuilding shall be carried out with sufficient regard to the general town planning scheme of the town as a whole.

PROVISION OF HOUSING ACCOMMODATION.

(8) While the obligation to secure that the people in a locality are adequately housed rests on the local authority and the State, the local authority in special circumstances should have power to require the assistance of special interests in carrying out what should be made a statutory duty on the local authority, namely to secure that the people in its area are housed in adequate dwellings.

Examples of the special circumstances in which the local authority should be empowered to require this special assistance have been explained on pp. 414 and 415. and are further instanced in what is said below regarding the housing of farm servants. In all cases however, the duty of securing that the locality is supplied with adequate dwellings should be made obligatory on the local authority and the State should secure that the duty is carried out by making the block grants conditional on the performance of these duties.

(9) Farm servants' houses are generally located on the farms and where the farms are large and isolated and this

system of housing is considered essential in the meantime, it is difficult to ask the State or local authority to rebuild cottages on these sites. In villages or at rural centres where there was a possible demand for the services of the persons living in the cottages by several farmers or employers there is at least as strong a case for the State or the local authority to undertake the work as there is in urban districts.

The difficulties in the way of the local authority undertaking these obligations are so many that the State should undertake a larger share of the burden than is done at present.

Further, though there are advantages in having the farm servants' cottages no longer so closely associated with individual farms, so much of the present housing of farm servants is done on the farms that there are obvious practical difficulties in radically altering the system at once, and as regards certain farms it is difficult under present conditions to house the servants otherwise than on the farms.

While the State and local authority should perform their obligations of providing houses where the average demand warranted it, it is more difficult to hold that they should equip individual farms and accordingly the landowner should be compelled to provide the cottages necessary for the equipment of certain farms and, failing his doing so, the local authority should erect the necessary cottages and recover the cost from him. If the landowner considered the requirements of the local authority unreasonable in respect of what they asked him to do in such cases he should have the right to appeal to the Central Housing Authority.

In all cases, therefore, the ultimate responsibility for securing that suitable houses for farm servants are provided in the locality rests on the local authority. The Central Housing Authority should see that the necessary housing was in fact provided and have power to withhold the block grants for housing if the necessary work was not done.

(10) The further development of public utility societies should be encouraged, and they should be enabled to borrow from the State some 80 or 90 per cent. of the capital needed for erecting working-class dwellings (subject to submission

to public audit, limitation of dividends to 5 per cent., and other requirements in the public interest). An extra percentage should be charged where the proportion of the loan to the total value exceeded two-thirds in order to provide a contingency fund for any losses.

The local authorities by subscribing some portion of the capital, or by feuing or leasing land to these societies, could render them very notable assistance. The necessary power to do this should be given.

OTHER PROVISIONS.

(11) The powers given by the Housing and Town Planning Act to local authorities to compel owners to provide habitable houses should be strictly enforced. In addition the names of owners of slum property, etc., should be available for publication.

Closing orders should be strictly enforced after the owner has had a reasonable opportunity of remedying the defects. The power to close a house for repeated overcrowding should also be fully used.

(12) Any person lawfully within a dwelling house who suffers damage through its defective condition should have a right of action against the owner of the house.

(13) Local Authorities should have power to register and inspect "farmed-out" houses and to make regulations affecting them.

(14) All the appeals arising from Closing Orders, etc., should be made to the Local Government Board and not to the Courts.

(15) Improvements should be made in the supplies of water available in houses in the smaller towns and villages, as at present the supply of water for houses is frequently inadequate. New areas of available water supply should be mapped out by the Local Government Board with a view to the most being made of the supplies available and of preventing undue encroachment on the part of one authority on supplies which might be absolutely essential for another authority.

(16) Efforts should be made to secure larger plots of ground for gardens, and in this connection the further development of transit and access to land in the neighbourhood of towns are of primary importance.

(17) In applications under the compulsory procedure as regards acquisition of land (by bodies or persons other than the local authority of the area concerned) or under the tenure procedure as regards renewals of leases, the enforcement of restrictions in feu charters, etc., the local authority of the area concerned should have a *locus standi*, so as to protect in any necessary manner, the interests of the community and the amenities.

BUILDING BY-LAWS.

(18) Concurrent with the extension of town planning is the question of providing more freedom in the building by-laws. These are framed for the existing conditions. In regard to the altered housing conditions which town planning contemplates, more elasticity in regard to the by-laws for different areas and different housing conditions is desirable, keeping in view the class of housing concerned and the desirability of economising in cost of structure, formation of side streets, etc. We consider that a committee of experts should make further examination of this matter.

It is of essential importance, however, that roads which are likely to develop into leading thoroughfares should be capable in future of being widened and that this should be taken into account.

TRANSIT.

(19) A local authority should have power to construct tramways or to provide other transit facilities (*e.g.*, motor-buses) within its own area and by agreement with neighbouring local authorities within the area of such other local authorities with the consent of a Government Department without requiring to obtain sanction by a special Act of Parliament or Provisional Order: but where it is intended to construct a tramway line, notice of the intention should be published a sufficient time before action is taken in order to allow any interested parties to lodge objections.

Urban Tenure.

(1) A simple and inexpensive process should be provided for the variation or annulment (on equitable considerations) of arbitrary and unreasonable restrictions in feu charters, and also for the enforcement of conditions which are for the reasonable preservation of the amenity and for the advantage of the community which the superior though inserting in the feu charter with reference to his building plan subsequently unreasonably and arbitrarily varies or waives in particular cases to the detriment of other feuars. It should be the duty of the authority dealing with such cases, having regard to all the circumstances of each case, to declare void or to vary equitably any conditions in the feu charter that are unreasonable, and to provide for the enforcement of reasonable conditions where in fact the violation of these constitutes personal injustice or conduces to the public disadvantages.

As mentioned above, in all cases affecting restrictions the local authority should have a *locus standi*.

(2) As regards tenants of residential or business premises or corporate, charitable or religious bodies holding on leases, where they have erected the premises themselves or the premises have been erected by predecessors, and in respect of which the owner has not contributed any substantial value, power should be given for the conversion on equitable considerations of the leases into feus and failing agreement between the parties the terms should be determined by compulsory order.

(3) In the case of occupying tenancies power should be given to a business tenant to apply to an impartial authority for a renewal of his lease on equitable considerations where, by refusal to renew the lease, or by requiring a rent in excess of the fair letting value of the property, the tenant is being deprived of elements of value due to the goodwill or improvements which he has created.

To be entitled to this relief, the occupier would be required to perform fully all the duties of a good occupier. The tenant should be secured in compensation for improvements where these add to the letting value of the premises to an in-coming

tenant and also compensation for loss of goodwill if he has of necessity to leave the premises when he himself desires to remain.

He should not be secured in this fixity of tenure where the owner desired, on reasonable cause shown to the tribunal, to resume possession of the premises for his own purposes or for purposes of greater utility or in the case where the tenant had failed to behave as a good tenant or to fulfil statutory or contractual obligations resting upon him, or where the premises are needed for some public purpose. Where the tenant cannot be given a renewal of his lease he should be entitled to compensation in respect of goodwill, etc.

(4) In all these cases the procedure should be that, failing agreement in the first instance between the parties concerned, and failing the conclusion of agreement secondly by the intervention of the administrative section of the public department, an appeal for final determination should lie to the judicial section. This judicial authority should also have power to award expenses.

Acquisition by Public and Semi-Public Bodies.

(1) Except in cases where the scheme concerned is of very considerable magnitude or novelty there should be no need to go to Parliament in order to obtain the necessary powers of compulsory acquisition.

(2) For strictly local improvements within its own area such as the widening and making of streets, the provision of parks, open spaces, schools, public buildings, sites for dwelling houses, etc., the local authority should have power to put into operation the compulsory provisions by a resolution of the council, a right of appeal by any owner affected being allowed under the provisions outlined below.

(3) As regards works of a more important nature promoted by a local authority and as regards all works promoted by a semi-public body the sanction of the Government Department concerned should be obtained, and only where it appeared

that the scheme was so large or so novel in character as to require procedure by an Act of Parliament should it be necessary to proceed by an Act of Parliament.

(4) Where property is acquired under compulsory provision by public and semi-public authorities the price payable should be the price at which a willing seller would part with the property to an ordinary private person who was a willing buyer. No additional allowance should be made in respect of the compulsory acquisition. Failing agreement between the parties concerned, the price to be paid, the compensation and the allocation of costs should be determined by an impartial authority.

(5) The following is an outline of the procedure suggested for such cases. When the local authority or semi-public body applied for compulsory powers in respect of the lands in question, they should serve a notice of their application on the district valuer and on all persons interested in the lands they desired to acquire. It should then be the duty of the district valuer when the compulsory powers were obtained to assess the market value of the property in question as at the time of the application, and failing agreement between the parties as to the price and failing the conclusion of agreement by the intervention of an impartial administrative authority there should be an appeal to the judicial section. This judicial section should have power to award costs equitably in any proportion as between the two parties, to limit the number of witnesses, etc., with a view to preventing unnecessary costs.

(6) No compensation should be paid for injurious affection of other lands, nor should allowance be made for betterment. Compensation should be paid for damage due to severance and disturbance. In addition, when part only of a claimant's property is required and can be taken without any reasonable case arising for the claimants to require the promoters to take the whole, the promoters should not necessarily be required to take the whole. Compensation paid in respect of angling, etc., in the case of agricultural land should be required (so far as was reasonable) to be applied by the complainant in

making good the damage in respect of which it was paid (e.g., altering hedges, drains, the shape of fields, etc). Full compensation, also, should be paid to lessees etc., in respect of damage suffered by reason of being disturbed in their possession of the lands taken.

(7) Local authorities should be authorised to acquire land by private treaty or by compulsory acquisition in advance of their immediate needs and for the purposes for which they have statutory powers, but they should not be allowed to sell land so acquired without the sanction of the Central Authority.

(8) In all cases where the local authority desired to raise loans for schemes of acquiring land, etc., whether by compulsory provision or otherwise the sanction of the Local Government Board or other Government Department for the borrowing should be required to be obtained except in so far as this sanction is rendered unnecessary under the provisions of a local or other Act of Parliament.

This last provision imposes a check against rash action; and it appears necessary in the interests of the ratepayers that some such check should be imposed in order that the ratepayers of the future should not be saddled with the burden of paying for any undue expenditure on the part of local authorities in earlier years.

Wayleaves, Servitudes, etc.

A similar procedure should be available as regards wayleaves, servitudes, etc., namely, that failing agreement with the landowner, there should be power to apply to the administrative section of the Government Department with a right of appeal from the decision of such section to the judicial section.

Access to Land in Urban Areas.

Where it is represented to the local authority in urban areas that, owing to the unreasonable attitude of landowners in the area, religious or philanthropic bodies, companies or individuals

desiring to obtain land for churches, institutes, commercial or industrial purposes or for housing, etc. cannot get the desired access, the local authority on being satisfied that the landowner's refusal is unreasonable and against the interest of the locality should be empowered to forward the application as before to the appropriate central authority with a view to having the land made available compulsorily under the order of the judicial section and at a price fixed by it in particular, on proof of the following matters :

(i.) That the application for the access to the land was *bona fide* for the purposes mentioned and also that the applicant was reasonable in desiring to obtain the particular site.

(ii.) That the refusal to give the desired access was arbitrary and unreasonable in the sense that alternative sites were not available and also that the land was not wanted for some other reasonable purpose, for extension of premises, etc. The owner's refusal to give access to his land should not be held to be unreasonable if he showed that the land was necessary or desirable for some other normal productive purpose, or for some different use having regard to town planning and the preservation of amenities. The demand of a prohibitive price or the insistence upon prohibitive conditions should, however, be treated as equivalent to a refusal.

(iii.) That the land desired by the applicant was agricultural land or land very little developed.

(iv.) That the applicant had shown that he was reasonably fit to carry out the undertaking he proposed and the time within which he should do so should be specified. It would be quite unfair to give him compulsory powers if he were not to erect the specified buildings within a reasonable time.

(v.) That the proposal involved no infringement of amenities.

The landowner, if he considered he was treated unfairly by the local authority, could always raise his objection again before the judicial body.

Feuing Conditions in Mineral Areas.

As regards feus given in areas liable to subsidence owing to the extraction of minerals, power should be given to award feuars compensation in respect of loss resulting from the lowering of the surface taking into account the fact in any case, that in view of the risk, the superior exacted a proportionately lower feu duty. The presence in the feu charter of a clause exempting the superior from all liability resulting from subsidence and requiring the feuar also to rebuild should not debar the judicial section from exercising these powers. The necessary power to secure this should be provided by statute as also the declaration that, in future, such clauses shall be null and void.

Minerals.

The Government Department should have power by order, to grant permission to prospect for minerals, stone, etc., and, if necessary, to compel the grant of mining leases: the terms being determined, in the last resort, by the judicial section. Where renewal of a mining lease was desired provisions similar to those outlined in the section on Urban Tenure (3) and (4) above, should be available. (*see* p. 536.)

Cost of Land.

A primary factor making for the congested development of towns in tenements is the ring of high priced land surrounding the town. The restriction of landowners' powers to hold this land out of use is necessary, and this purpose will be materially assisted by our proposals for the extension of town planning and the rating of site value. Under town planning schemes, the number of houses per acre can be limited, which in itself imposes limits on the extent of property which can be built on the land, and, therefore, on the price which can be exacted for it. The rating of site values by imposing a burden on the owner of such land makes it less easy for him to withhold it for monopoly prices.

Legal Charges.

The simplification of titles and shortening of title-deeds and the provision of a scheme of registration of title in order to reduce expenses should be secured. Within town planning areas model sets of conditions and restrictions applicable to particular sections of the area might be published and registered; and these could be incorporated in individual titles merely by reference to the model restrictions so registered.

Rating.

The valuation of the sites as distinct from the improvements should be shown in the valuation roll and should be accessible to any ratepayer; and a rate should be levied on the site values.

Entails and Primogeniture.

Although we have not dealt with reforms in the law of conveyancing generally, there are two subjects, viz.: the law of entail and the law of primogeniture, which are generally recognised as causing great hardship and injustice in many cases. The fact that an estate is entailed is not only a cause of complication and difficulty in the transfer of land, but often results in the burdening of the estate to such an extent that it is impossible for the heir in possession to maintain adequate equipment, and hence land and buildings are allowed to deteriorate.

Again when a person dies intestate leaving a large proportion of his estate in heritage it is often considered a great hardship that his heritable estate should go to his heir-at-law while the rest of his next-of-kin get no share of it. There seems no justification for the distinction between the succession to heritable estate and to moveable estate.

We recommend that it should be illegal in future to create an entail and that existing entails should be brought to an end upon such terms as would secure equitable provision being made to compensate the nearest heirs for any loss of expectant

succession, upon the lines laid down in the existing statutes and also in the Entails (Scotland) Bill presented by the former Lord Advocate (Lord Strathclyde.)

We also recommend that the law of primogeniture should be abolished and that the rules of succession applicable to moveable estate should also apply to heritage. This would involve that heritage would be subject to the same legal right of the children, widow and widower to a share of the estate (*legitim, jus relictæ and jus relictæ*.) as in the case of moveable estate, instead of being subject to terce and courtesy.

Casualties and Duplications

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